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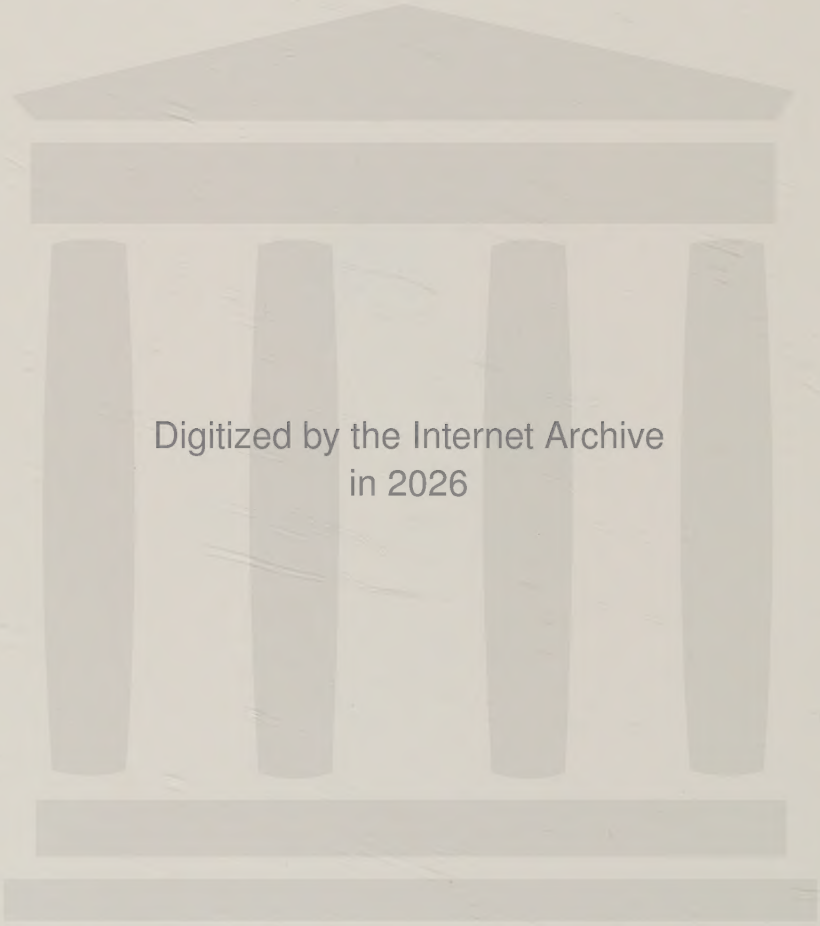
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TEXTS OF
THE PEACE CONFERENCES
AT THE HAGUE, 1899 AND 1907

WITH ENGLISH TRANSLATION
AND APPENDIX OF RELATED DOCUMENTS

EDITED, WITH AN INTRODUCTION, BY

JAMES BROWN SCOTT

TECHNICAL DELEGATE OF THE UNITED STATES TO THE SECOND PEACE CONFERENCE AT THE HAGUE, SOLICITOR FOR THE DEPARTMENT OF STATE, PROFESSOR OF INTERNATIONAL LAW IN GEORGE WASHINGTON UNIVERSITY

PREFATORY NOTE BY

ELIHU ROOT

SECRETARY OF STATE

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PREFATORY NOTE

In the letter submitting The Hague Conventions of 1907 for consideration by the Senate, the Secretary of State said: —

"Let me go beyond the limits of the customary formal letter of transmittal and say that I think the work of the Second Hague Conference, which is mainly embodied in these Conventions, presents the greatest advance ever made at any single time toward the reasonable and peaceful regulation of international conduct, unless it be the advance made at The Hague Conference of 1899.

"The most valuable result of the Conference of 1899 was that it made the work of the Conference of 1907 possible. The achievements of the Conferences justify the belief that the world has entered upon an orderly process through which, step by step, in successive Conferences, each taking the work of its predecessor as its point of departure, there may be continual progress toward making the practice of civilized nations conform to their peaceful professions."

The collection of documents in this volume brings into relief a fact which should affect our judgment regarding all of the attempts in recent years to secure international agreement upon matters affecting peace and war; this fact is that each attempt is to be considered, not by itself alone, but as part of a series in which sound proposals may come to general acceptance only by a very gradual process extending through many years. For example, Dr. Francis Lieber's Instructions for the Government of the Army of the United States in the Field, prepared for President Lincoln and embodied by him in General Order No. 100 of the year 1863, has now developed, after forty-four years, into the universal "Convention regarding the laws and customs of land warfare," signed at the last Hague Conference. The three rules of the Treaty of Washington, agreed upon by the United States and Great Britain, in 1871, are now accepted by the civilized world, in 1907, in The Hague "Convention respecting the rights and duties of neutral powers in naval war."

The question about each international conference is not merely what it has accomplished, but also what it has begun, and what it has moved forward. Not only the conventions signed and ratified, but the steps taken toward conclusions which may not reach practical and effective form for many years to come, are of value. Some of the resolutions adopted by the last conference do not seem to amount to very much by themselves, but each one marks on some line of progress the farthest point to which the world is yet willing to go. They are like cable ends buoyed in mid-ocean, to be picked up hereafter by some other steamer, spliced, and continued to shore. The greater the reform proposed, the longer must be the process required to bring many nations differing widely in their laws, customs, traditions, interests, prejudices, into agreement. Each necessary step in the process is as useful as the final act which crowns the work and is received with public celebration.

ELIHU ROOT

DEPARTMENT OF STATE
May 1, 1908

CONTENTS

PAGE

PREFATORY NOTE iii

INTRODUCTION ix

RESCRIPT OF THE RUSSIAN EMPEROR, AUGUST 24 (12, OLD STYLE), 1898 . 1

RUSSIAN CIRCULAR, JANUARY 11, 1899 (DECEMBER 30, 1898, OLD STYLE) . 3

THE PEACE CONFERENCE OF 1899 6

FINAL ACT OF THE INTERNATIONAL PEACE CONFERENCE 6

RESOLUTION CONCERNING THE RESTRICTION OF MILITARY CHARGES . . 19

RECOMMENDATION FOR THE REVISION OF THE GENEVA CONVENTION (1864) 20

RECOMMENDATION CONCERNING THE RIGHTS AND DUTIES OF NEUTRALS . 20

RECOMMENDATION CONCERNING RIFLES AND GUNS 20

RECOMMENDATION CONCERNING LIMITATION OF ARMED FORCES AND WAR BUDGETS 20

RECOMMENDATION CONCERNING PRIVATE PROPERTY IN NAVAL WARFARE . 20

RECOMMENDATION CONCERNING BOMBARDMENT OF PORTS, TOWNS, AND VILLAGES BY NAVAL FORCE 21

CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES . 21

CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND 45

ANNEX TO THE CONVENTION: REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND 51

CONVENTION FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864 . . . 71

DECLARATION CONCERNING LAUNCHING OF PROJECTILES AND EXPLOSIVES FROM BALLOONS 79

DECLARATION CONCERNING ASPHYXIATING GASES 81

DECLARATION CONCERNING EXPANDING BULLETS 83

TABLE OF SIGNATURES 86

RESERVATIONS 90

OFFICIAL CORRESPONDENCE RELATING TO THE SECOND CONFERENCE . . 93

THE SECRETARY OF STATE TO THE REPRESENTATIVE OF THE UNITED STATES ACCREDITED TO EACH OF THE GOVERNMENTS SIGNATORIES TO THE ACTS OF THE HAGUE CONFERENCE, 1899, OCTOBER 21, 1904 93

THE SECRETARY OF STATE TO THE REPRESENTATIVE OF THE UNITED STATES ACCREDITED TO EACH OF THE GOVERNMENTS SIGNATORIES TO THE ACTS OF THE HAGUE CONFERENCE, 1899, DECEMBER 16, 1904 97

PAGE

The Honorable Elihu Root, Secretary of State, to the Russian Ambassador, October 12, 1905 99

The Secretary of State to the Russian Ambassador, April 6, 1906 . 101

The Russian Ambassador to the Secretary of State, April 12, 1906 103

The Russian Ambassador to the Secretary of State, April 12, 1906 106

The Russian Ambassador to the Secretary of State, March 22/April 4, 1907 108

The Netherland Minister to the Secretary of State, May 7, 1907 110

The Peace Conference of 1907 112

The Final Act 112

Resolution Concerning Compulsory Arbitration 137

Resolution Concerning Limitation of Military Expenditure . . 138

Recommendation Concerning the Judicial Arbitration Court . 138, 141

Recommendation Concerning Pacific Commercial and Industrial Relations 139

Recommendation Concerning Position of Foreigners as regards Military Charges 139

Recommendation Concerning Laws and Customs of Naval War . 139

Convention for the Pacific Settlement of International Disputes . 155

Convention Respecting the Limitation of the Employment of Force for the Recovery of Contract Debts 193

Convention Relative to the Opening of Hostilities 198

Convention Respecting the Laws and Customs of War on Land . 203

Annex to Convention: Regulations Respecting the Laws and Customs of War on Land 209

Convention Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land 230

Convention Relative to the Status of Enemy Merchant Ships at the Outbreak of Hostilities 240

Convention Relative to the Conversion of Merchant Ships into War Ships 246

Convention Relative to the Laying of Automatic Submarine Contact Mines 252

Convention Respecting Bombardment by Naval Forces in Time of War 259

Convention for the Adaptation to Naval War of the Principles of the Geneva Convention 267

Convention Relative to Certain Restrictions with Regard to the Exercise of the Right of Capture in Naval War 281

Convention Relative to the Creation of an International Prize Court 288

Convention Concerning the Rights and Duties of Neutral Powers in Naval War 317

PAGE

Declaration Prohibiting the Discharge of Projectiles and Explosives from Balloons 332

Table of Signatures 336

Reservations 340

Appendix — Documents Referring to and Explanatory of the Hague Conventions 347

The Declaration of Paris, 1856 347

General Orders No. 100 or Instructions for the Government of Armies of the United States in the Field, April 24, 1863 . . 348

The Geneva Convention of August 22, 1864, for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field 374

Additional Articles of 1868 376

The Declaration of St. Petersburg, 1868 379

Project of an International Declaration Concerning the Laws and Customs of War, adopted by the Conference of Brussels, August 27, 1874 380

Laws of War on Land ("Oxford Manual"), 1880 387

Convention Regarding Hospital Ships, signed at The Hague, December 21, 1904 398

Convention for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field. Signed at Geneva, July 6, 1906 400

Index 411

N.B. The French text of the conferences has been compared word by word with the official copies in the Department of State, and is, it is believed, a faithful reproduction. The English translations have likewise been read with the official versions, and reproduce the official text of the Department of State, except that a few obvious misprints, and an occasional mistranslation, have been corrected.

INTRODUCTION

THE PEACE CONFERENCES AT THE HAGUE, 1899, 1907[1]

THE Second International Peace Conference, like its predecessor of 1899, endeavored to humanize the hardships necessarily incident to war and to substitute for a resort to arms a pacific settlement of international grievances, which, if unsettled, might lead to war or make the maintenance of pacific relations difficult and problematical. The conference of 1907, no more than its immediate predecessor, satisfied the leaders of humanitarian thought. War was not abolished, nor was peace legislated into existence. Universal disarmament was as unacceptable in 1907 as in 1899, and some few nations were still unwilling to bind themselves to refer all international disputes not involving independence, vital interests, or national honor to a court of arbitration.

Deeply interested in the success of these projects, the great public felt that their failure necessarily involved the failure of the conference, notwithstanding that many wise and humanitarian measures falling short of the goal were incorporated into the law of nations. But we should not in our disappointment, and perhaps bitterness of soul, overlook positive and beneficent progress, and if we could not take the advanced position outlined by the friends of peace, we should nevertheless rejoice that many a milestone has been passed. We must not forget that an international conference is different from a parliament; that independent and sovereign nations are not bound by majorities, and that positive results are obtained by compromising upon desirable but perhaps less advanced projects. The aim of a conference is to lay down a law for all, not for the many, much less for the few; to establish a law which will be international because it is accepted and enforced by all nations.

The work of the conference concerned the modification of existing international law; international differences of opinion and interpretation were adjusted; doubt gave place to certainty; and, after

[1] Reprinted from *The American Journal of International Law*, II, 1.

much consideration and reflection, principles of international law were fortified, modified in part, or wholly discarded. A complete code was not established — it is doubtful whether custom and usage are ripe for codification — but important topics of international law were given the symmetry and precision of a code.

It may be maintained that international law is law in the strict sense of the word, or it may be contended that it lacks an essential element of law, because there is no international sheriff; that it is international morality or ethics; or that finally a law of nations is the occupation of the theorist and the hope of the dreamer. However opinions may differ as to the nature of international law, there can be no doubt of the existence of certain rules and regulations which do by common consent control the conduct of independent nations; nor can there be any reasonable doubt that enlightened people of all countries take a deep and abiding interest in international law, and share the hope of the dreamer, not only that greater precision may be given to its principles, but that the principles themselves may be developed and applied with the certainty and precision of a municipal code.

From the cell of the cloister international law passed into the study of the philosopher, the jurist, and the scholar; from the study it entered the cabinets of Europe, and for two centuries and more a recognized system of international law has determined the foreign relations of nations; from the cabinet to courts of justice, where the rights of nations as well as individuals have been debated and enforced; and finally, from the court room international law has made its way to the people, who, in last resort, dominate court and cabinet, and enlist in their service scholar as well as priest.

It was a wise remark of Sir James Mackintosh that constitutions are not made: they grow; for history demonstrates that unnatural unions dissolve; that unnatural alliances have little permanency; that constitutions struck off at the heat of a moment in times of excitement disappear with the causes to which they owe their origin. Constitutions are, in a large and broad sense of the word, codifications. They put into written and permanent form the usages and customs of the past, and they last because the spirit underlying these usages and customs is wrapped up with the existence and destiny of the people. The Constitution of the United States has lasted, because it was based upon the usages and customs of England, as modified

by the experience in the colonies, and the Constitution will last as long as it answers the needs of its framers, and no longer. To understand, however, the Constitution, English customs and usages must be studied; and to predict the lines of development we must interpret the language of the Constitution in the light of its origin, as well as in the concrete case under investigation. It is the same with law. Law is not imposed as a system upon the people. Isolated usage develops into habit; the habit becomes crystallized into custom; and to custom there is given, consciously and unconsciously, the force of law.

The common law of England is not due to the wisdom of any one person or of any one age. It grew to meet a need; it changed with that need, and disappeared when it could no longer subserve a useful purpose. It is a growth, an organism, not a crystallization.

When, however, the process of development did not keep abreast of the age, or when new and unsuspected needs required special treatment, statutes made their appearance to supply the lack or to correct the evil. The statute would be special if a special point were involved. The statute would be general in its terms if the evil to be corrected were general, or the need of the statute was of a general, widespread nature. The more rapid the development of the country, the greater and more diversified become the needs of an enterprising and progressive community, and consequently the more frequent would be and must be the resort to statutory enactments, in order to safeguard the rights and interests created as the result of changed conditions. Hence, it follows that a system of law in its early stages springs directly out of the needs of the people. If the needs be simple, the law, of which custom is the very life, is simple. It is said to be unwritten in the sense that no custom is at once the law and the evidence, although in process of time the customs are naturally reduced to writing by people learned in customary law, and it is given precision by decrees of courts of justice. Complex situations give rise to a complex system of law, and the natural development of custom not being sufficient, the legislature steps in by statute to accelerate the development and to give to the system of law the precision, the solidity, and the refinement necessary for a complicated and progressive civilization. In this development, then, we have the local usage, the custom, and the statute.

If we turn from the common law to international law, we find

that the course of development of the common law of nations has been singularly like that of the common law of England.

We first have the usages of enlightened nations. These usages spread, gain weight and influence by repeated application. We next find that the usages have taken on the form of custom, and nations from isolated or frequent usage regard the custom as binding upon them. That which is claimed as a right on the one side becomes a duty on the other, for right and duty are correlative. The demand in itself is a consent to the rule of law. The yielding to the demand is an acknowledgment of the rightfulness of the custom.

We thence have customary rules and regulations binding nations in their mutual intercourse, because the nations, either by enforcing the custom or yielding to the custom sought to be enforced, have given to the custom the weight of law. But just as the common law of England grew slowly, indeed imperceptibly, so have the usages of nations developed slowly and imperceptibly. When nations had little intercourse with one another, the need for a system of law regulating such relations was of little moment. As nations have grown, as they have come into closer contact, as no nation lives and can live in the modern world in a state of isolation, it necessarily follows that the usages and customs of nations must be developed in order adequately to meet changed conditions. The independence of the state is the very postulate of international law; but the solidarity of interest has made itself felt to such a degree that nations have yielded and must in the future yield something of their absolute liberty and independence, just as a citizen yields his absolute freedom for the benefit of society, of which he is a part.

We see, then, from this brief and imperfect sketch of the origin and nature of the common law of one particular jurisdiction, an analogy between the common law of nations, namely, the usage and customs of many nations. We find, or at least we can assume, that when only one nation existed, there could be no international law; two nations existing would have comparatively little intercourse and the rules and regulations governing their intercourse would, therefore, be simple. As the two gave place to the many, and as intercourse became very frequent, the need of a more elaborate code would become evident. Usage and custom would grow to meet the need, and in the course of time, insensibly and imperceptibly, usage and custom would take the dimensions of a code. But while that is

entirely true generally, it is true with much greater force in the present and, indeed, in the immediate past; for the discovery of the new world, North and South America, and the contest for the possession of this world; the establishment of colonies with the various colonial systems, and the conflicts of interest that necessarily arose, would require a system of law adequate to settle them; and when nations became more closely connected, more intimately and frequently involved, it followed that the simplicity of the earlier usages and customs would either give place to a more complicated code or would themselves be developed in order to meet the growing needs.

Now, how could this be done? In this way. As nations became more closely united or related, previous usage or custom was found to be inadequate; but the spirit pervading the usage or custom was discovered and developed, precisely as the spirit in the common law was developed in order to meet a changed condition of affairs. Just as in appropriate cases the municipal legislature stepped in and corrected an abuse or covered a field by statute, conferences were held between rulers, treaties were negotiated to regulate a specific concrete controversy, and finally congresses, usually not at the beginning but at the end of the controversy, composed of many states, because the interests of many were concerned, were convened in order that that might remain settled in peace which had been established in war. The conference or congress is, it would seem, not far removed from an international legislature, whose acts are submitted *ad referendum* to the participating nations.

We therefore find that treaties mark the first general step in the development of the law of nations as between nations in recent years, for it is only in the modern world that treaties have gone far to correct inequality and to establish a system of international relations. The special or individual treaties will be comparatively simple in the principles of law announced or defined — although complicated in other respects. When the many were involved, a congress or conference came naturally into being, with the result that in this conference the questions causing the conflict would be considered and regulated, in the hope to prevent a recurrence of the conflict. The conferences and congresses were at the conclusion of a dispute. The appeal was indeed to reason, but it was unfortunately belated. Interesting examples of the post-mortem appeal to reason are furnished by the Treaty of Westphalia (1648), the Congress of Vienna (1814–

1815), the Congress of Paris (1856), the Congress of Berlin (1878). The Treaty of Westphalia was negotiated by representatives of the states engaged in the Thirty Years' War and the state of affairs established was hoped to be durable.

Passing over the conference and treaties concluding the wars of Louis XIV — of which the various treaties of Utrecht of 1713–1714 were the most important and far reaching in detail as well as in principle — we come to the Congress of Vienna, which attempted, by a rigid and thorough application of the principle of legitimacy, to reconstruct Europe upon permanent lines after the crash of the French Revolution and the downfall of Napoleon. The great powers agreed among themselves and legislated for the rest of Europe. The work, therefore, was largely political, but as all were concerned all were present or bound by the determinations of the congress. It was preëminently a war conference, but it established peace — a peace which lasted for many years. At the same time its deliberations took the form of a general statute concerning river navigation, the rank of ambassadors, and the slave trade. Criticise the Congress of Vienna as we may, its work was not only of fundamental importance, but pointed the way to a better and brighter day.

Although it can not be denied that the Congress of Paris in 1856 was a war conference, its work was not wholly taken up with the issues of war. The Declaration of Paris, for example, was much more general and touched interests which, while involved in the conflict, were of wider importance than the immediate interests that led to the war or were safeguarded by the conclusion of peace. It is also true that the Congress of Berlin, in 1878, was a war congress, but it dealt particularly and largely with the Balkan Peninsula and set up a state of affairs which, while changed in part, is nevertheless the basis of order in Eastern Europe.

But alongside of these larger gatherings there were smaller meetings that have profoundly influenced the future. For example, an enthusiast in Switzerland interested countries in the treatment of sick and wounded, and produced the first Geneva Convention of 1864 — the Red Cross Convention, as we call it — to ameliorate the condition of the sick and wounded upon the field of battle. The convention did not come at the very end of a war; it was assembled by reason of the horrors of the war of 1859, between France and Italy against Austria. In 1868, the additional articles of the Convention

of Geneva were drawn up in conference, and there was no immediate war that had caused the conference to assemble. The purport of these articles was to apply to naval warfare the principles of the Geneva Convention of 1864.

In 1868, the Czar of Russia, Alexander II, called a conference in order to consider whether or not the means of warfare might not be humanized; whether the use of certain instruments in warfare, or instruments of a certain kind, should be prohibited; whether bullets of a certain weight, of a certain explosive quality, should not be prohibited, and there was drawn up the Declaration of St. Petersburg. It is true that the declaration contemplated but was not preceded by a war.

The conference that met in Brussels in 1874 upon the invitation of the Czar, and which drew up a project of an International Declaration Concerning the Laws and Customs of War was not immediately preceded by a war, and although the project was not adopted by the powers represented, it was nevertheless the basis of the "Convention dealing with the laws and customs of war" framed by the First Hague Peace Conference. The Brussels Conference undertook the codification of the laws of war — and in so far it can not be considered a peace conference — but it furnished the precious precedent of an international statute.

The various congresses and conferences referred to were summoned by the rulers and nations of Europe, and both in their calling and in their results indicated an advance in public opinion. Public opinion, however, was not content to intrust itself wholly to nations and their rulers, but sought expression in individual and coöperative lines.

In 1873, the Institute of International Law was established at Brussels, composed of distinguished jurists and authorities on international law. Their purpose was not merely to study the problems of international law, but to advance the science by an appeal to reason. They considered the field of international law from the standpoint of theory and sought by example and precept to aid the codification of a rational system of international law. International law had thus a society whose proceedings should appear annually. It already had a journal, for in 1869 three enthusiasts, Rolin-Jaequemyns, Asser, and Westlake, established the *Revue de Droit International et de Législation Comparée*. The Institute met annually

and issued its annual. The *Review* discussed scientifically and at length important questions of international law, and, little by little, the influence of the Institute and the *Review* extended beyond the immediate country of publication and beyond the language in which the proceedings and the articles were written. A great movement looking toward advance in international lines was begun, and in reality the call of the Czar for the great conference of 1899, the First Hague Conference, was simply, paradoxical as it may seem, the substitution of national or international effort for the individual or socialized effort of the founders of the Institute of International Law.

In 1898 the Czar Nicholas called the First Peace Conference, designed chiefly, it would seem, to free nations from the burden of the constantly increasing armament by bringing about disarmament. The circular astonished the diplomats; it was not favorably received in many quarters. Thereupon a new circular was prepared enlarging the scope, relegating disarmament to a less important position, but enlarging the scope of the programme, or of the invitation, by including the consideration of various methods by which arbitration might be advanced and the peaceful solution of international difficulties made the rule. This second circular was much better received, and on the 18th day of May, 1899, the First Peace Conference of this modern world, without a war as its immediate cause, met at the House in the Woods at The Hague, for the purely academic consideration of very great and important international questions.

As an understanding of the work of the First Conference is necessary to an appreciation of the recent Second Conference, the results of the deliberations of the First Conference are briefly set forth.

The work, then, of this conference took shape in three great conventions. The first was the convention for the peaceful settlement of international conflicts, which convention established, first, the right of nations to offer their good offices and mediation without having the offer or mediation considered as an unfriendly act by either or any of the contending parties; second, a commission of inquiry to ascertain the facts of an international difficulty of great and serious importance, so that the facts involved might be found impartially by a commission composed of neutrals as well as nationals. We all recall the Dogger Bank incident in Admiral Rojesvensky's remarkable tour of the world. Japanese vessels were supposed to

be lying in wait in the North Sea. The Russian squadron opened fire. It is not related that any Japanese vessels were sunk, but certain English fishing smacks were injured and lives were lost. It is difficult to appreciate the state of mind of the Russian admiral, because one would not expect to find Japanese cruisers in the North Sea, or if one did find such cruisers, the fact of their presence would be well known. However, the Russian authorities maintained that they felt the presence of the enemy, whether through a mistake of signaling or not; fire was opened and lives were lost. Were it not well established, this would be unbelievable; but it happened. And the next step was not an unbelievable one — the next step was war. Wars had arisen for less cause than that. The national honor of both countries was involved. Great Britain could not allow its subjects to be shot with impunity; Russia could not well consent to discipline its naval authorities without an investigation. Now, an investigation to be valuable must be impartial, must be conducted more or less by neutrals, and for the first time the provisions of the convention for the peaceful solution of international conflicts in the matter of commissions of inquiry were used. A report was made by this board finding the attack unjustified, and Russia settled the damages. Rulers of nations and their responsible governments often seek to avoid war, but are frequently unable to do so. Therefore, this machinery was a Godsend by which a bitter dispute between two countries concerning a matter of fact might be referred to an impartial board for examination and report. Without expressing any opinion, let me call your attention to the causes, at least to an incident, if it were not a cause, which preceded the Spanish-American War — the blowing up of the *Maine* in Havana Harbor. Was it blown up from within or without? An international board never considered the question. An American board did consider the question. The public passions were inflamed and we rushed headlong into war. If this international commission had existed at that time, the President of the United States would have been in an intrenched position; for he could have insisted that this matter, being a question of fact, be submitted to a commission of inquiry ready for constitution under rules of procedure accepted by civilized nations. I can not say that the Spanish-American War would not have taken place. I am not a prophet either as to future events or as to events of the past; but I do maintain that those clauses would have made the

outbreak of war much more difficult, and that, therefore, the establishment of a commission of inquiry is a great advance for the cause of peace.

Third, the convention for the pacific solutions of international conflicts provided a court of arbitration. Perhaps I would better say, provided for a court of international arbitration, because that court was to be created when the international controversy arose. Each nation was to select and appoint, and notify to a board created at The Hague, not more than four persons of good moral character and competent in international law. In case of a conflict each party was to select two from this list of judges. The judges were to elect their umpire, their presiding officer, or the nations were to provide otherwise for the selection of the umpire. In order that the tribunal thus constituted might be of service and in order that litigants might know the exact procedure to be followed before it, an elaborate system of procedure was drawn up and approved. Since the meeting of the First Hague Conference, four great and important cases have been submitted to the Hague Tribunal, have been adjudicated and the judgments cheerfully and promptly accepted by the litigating nations. Nations appeared before the bar as suitors and resorted to law instead of force. The court has not, however, been so successful as its framers hoped, largely because it is not a court permanently in session composed of judges or jurists acting under a sense of judicial responsibility. The fear of partiality in a court constituted by the suitors for a particular purpose, with judges chosen and paid by the litigants, would seem to account for the partial success, if not failure, of the institution.

The second great convention of the First Conference was the convention for the adaptation of the Red Cross to maritime warfare. That, of course, is a technical subject, but even the layman can see what a great advance it was to have the humane principles of the Geneva Convention of 1864 and the additional articles of 1868 applied to maritime warfare as well as land warfare.

The third great convention was the codification of the laws and customs of land warfare, which, composed by experts, assumed the proportions of an elaborate code. While based upon the Laws and Customs of War, adopted by the Conference of Brussels (August 27, 1874), the declaration of Brussels drew its life and spirit from Dr. Francis Lieber's Instruction for the Government of Armies in the

Field, known in army circles as General Orders No. 100 of 1863. The United States may therefore claim not a little proprietary interest in this great convention of 1899.

Such is, in brief, the outline of the work of the First Hague Conference. Misunderstood at the time, subjected to ridicule by reformer as well as reactionary, the conference is now looked upon at once as the starting-point and the center of international progress.

The work of the Second Conference, for which the year 1907 will be remarkable, was twofold. First, it revised and enlarged the conventions of 1899 in the light of experience, in the light of practice as well as of theory, and put them forth to the world in a new and modified form. In the next place the conference did not limit itself to these subjects. To the three conventions of 1899, revised in 1907, were added ten new conventions. This simple statement shows the enormous field covered and the positive results achieved by the Second Conference within the comparatively short period of four months. Tried by the standards of results the conference clearly justified its existence; but it would have been a success had it demonstrated nothing more than the possibility of the representatives of forty-four nations to live in peace and quiet during four months. If it had done nothing more than to bring these representatives into close contact to learn to understand one another's needs by understanding one another, the conference would have been a success.

But we can not content ourselves with a mere statement of results, for the conference must rise or fall not by the amount accomplished, not by the number of conventions negotiated and signed, but by their value and importance. As the various conventions, declarations, resolutions, and *voeux* of the conference have been incorporated in the Final Act and arranged in what seemed to the conference their order of importance, it appears advisable to discuss the various results of the conference in the order established by the Final Act. Perhaps a word of explanation is necessary as to the Final Act itself. It states the calling of the convention, enumerates the countries and their delegates taking part in the conference. But the Final Act is not a convention; it is rather a solemn statement of what was done, a summary or *résumé* of results indicated by the names and titles of the conventions, to be followed by the text in separate form.

The preamble of the Final Act states: —

"The Second International Conference of Peace, proposed by the

President of the United States of America, having been, upon the invitation of His Majesty the Emperor of All the Russias, convoked by Her Majesty the Queen of the Netherlands, met, on the fifteenth day of June, nineteen hundred and seven, at The Hague, in the Hall of Knights, in order to give a further and new development to the humanitarian principles which served as a basis for the first conference of 1899. The powers, hereafter enumerated, took part in the conference and designated as their delegates the following: Germany (arranged according to the French names of the countries), the United States of America," etc. The Final Act then continues: "In a series of reunions held from the fifteenth day of June to the eighteenth day of October, nineteen hundred and seven, in which the delegates have constantly been animated by the desire to realize in the largest measure possible the generous views of the August Initiator of the conference and the intentions of their Governments, . . ." the conference adopted "to be submitted to the signatures of the plenipotentiaries the texts of conventions and of the declaration hereinafter enumerated and annexed to the present act."

An examination of the text of the preamble of the Final Act clearly indicates that the conference was called by President Roosevelt. It is common knowledge that Russia was not in a position to call the conference during two eventful years. Time was slipping by and those who believed in conferences were anxious that a new conference should meet in order to take up the work outlined but left undone at the First Conference. Therefore, President Roosevelt sent a circular to the various powers outlining a programme and requesting an expression of opinion as to the advisability of such a conference and assent to participation in it. The responses were favorable, and it seemed not unlikely that the conference would meet under the auspices of President Roosevelt. However, a representative of Russia waited upon the President and requested that the initiative be transferred from the United States to the Czar, inasmuch as the Czar had called into being not merely the First Conference, but the idea of the conference. With that chivalry which is characteristic of the President, he immediately yielded the initiative to the Emperor of Russia, the "August Initiator," as he is called, and the conference was convoked by the Queen of Holland upon the invitation of the Czar. The United States was, however, unwilling that only a part of the world should be represented. Appropriate steps were there-

fore taken for the admission of Latin America, and assent was obtained by diplomatic correspondence. Two of the three conventions of 1899 were open, that is to say, the non-signatory states were invited to sign, and upon signing, to assume the obligations and benefits under the conventions. The convention for the peaceful settlement of international conflicts was a closed convention and the assent of the powers was necessary in order that the Latin-American States might be permitted to sign. The reason for this was that while the powers represented at the First Conference were willing to arbitrate and to enter into certain relations with the states represented at the First Conference, they were unwilling to contract generally. As one of the delegates said at the second convention, he was unwilling to open his door to any newcomer who chose to knock. No objection was made, however, to the adhesion of the Latin-American States, and on the 14th day of June, 1907, consent to their adherence was formally given.

In all, forty-four states were represented at the conference and forty-four states answered the roll call. Two states of Latin America were not represented, Costa Rica and Honduras. The former approved of the conference and adhered to the conventions of 1899, but was not represented. The absence of Honduras was explained by the recent revolution, which paralyzed its efforts. The restoration of peace led to an application to be admitted and the application was favorably acted upon. Delegates were appointed, but they did not arrive in time to participate in the work of the conference.

Following then the order of the Final Act, the first is the convention for the pacific solution of international conflicts, the nature of which has been sufficiently explained.

It should be said, however, that the commission of inquiry was much enlarged in the light of the experience — experience gained in the Dogger Bank incident, previously referred to. The language of the convention was carefully revised, provisions were given greater clearness, and a few sections added on summary procedure. The great framework of 1899 was untouched; for the additions of 1907 do not change the nature of the structure, although the architects of 1907 would doubtless pronounce the additions to be undoubted improvements.

The second is the convention restricting the use of force for the recovery of contract debts. This was introduced by the American

delegation, loyally and devotedly seconded by Dr. Drago, who has battled for the doctrine to which he has given his name. Without the support of Dr. Drago, it is doubtful if Latin America — for whose benefit it was introduced — would have voted for this very important doctrine. The proposition is very short; it consists of but three articles, but we must not measure things by their size. In full it is as follows: —

> In order to avoid between nations armed conflicts of a purely pecuniary origin arising from contractual debts claimed from the government of one country by the government of another country to be due to its nationals, the contracting powers agree not to have recourse to armed force for the collection of such contractual debts.
>
> However, this stipulation shall not be applicable when the debtor State refuses or leaves unanswered an offer to arbitrate, or, in case of acceptance, makes it impossible to formulate the terms of submission, or after arbitration, fails to comply with the award rendered.
>
> It is further agreed that arbitration here contemplated shall be in conformity, as to procedure, with Title IV, Chapter III of the convention for the pacific settlement of international disputes adopted at The Hague, and that it shall determine, in so far as there shall be no agreement between the parties, the justice and the amount of the debt, the time and mode of payment thereof.

In commenting upon the convention, President Roosevelt wisely and truly said that "such a provision would have prevented much injustice and extortion in the past." It is emphatically a peace measure, for the creditor renounces force and binds himself to submit his claim to arbitration. Pressure is thus brought upon the debtor to accept arbitration or take the consequences of a refusal. It should not be overlooked that these three paragraphs will banish foreign fleets from American waters, and American ports are not likely again to be blockaded, as in the past, for the collection of contract debts due from one government to citizens of the blockading nation. The Monroe Doctrine has made its first and formal entry into the public law of Europe as well as America.

The third convention relates to the opening of hostilities and provides, in Article I, that the contracting powers recognize that hostilities between them should not commence without notice, which shall be either in the form of a formal declaration of war or of an ultimatum in the nature of a declaration of conditional war. This is to protect belligerents from surprise and bad faith. Article II is meant to safeguard the rights of neutrals. The state of war should

be notified without delay to neutral powers, and shall only affect them after the receipt of a notification, which may be sent even by telegram. However, neutral powers can not invoke the benefit of the absence of notification if it is established that the neutral powers know that war actually exists. Those two articles mean that while the nations should declare war, although they may perhaps rush into war without notification, neutrals are not to be subjected to the burdens of war until they have been fully notified and are, therefore, able to take the proper steps and measures to preserve their interests.

The fourth convention concerns the laws and customs of land warfare. This has been previously stated to be a revision of the convention of 1899. It is highly technical and codifies in a humanitarian spirit the warfare of the present.

The fifth convention attempts to regulate the rights and duties of neutral powers and of neutral persons in case of land warfare. Short, but important, its guiding spirit is expressed in the opening paragraph of the preamble, namely, to render more certain the rights and duties of neutral powers in case of warfare upon land and to regulate the situation of belligerent refugees in neutral territory. The framers of the convention felt that although a fragment, it would at least define neutrality until it might be possible to regulate as a whole the situation of neutrals in their relation to belligerents. The nature of the convention is thus evident. Its further definition would involve us in technical details.

The sixth is the convention concerning enemy merchant ships found in enemy ports or upon the high seas at the outbreak of hostilities. Custom forbids the capture of enemy vessels within the port of the enemy on the outbreak of hostilities and allows them a limited time to discharge or load their cargo and depart for their port of destination. The attempt was made to establish this custom or privilege as a right. The proposition, however, met with serious opposition and, instead of the right, the convention states that it is desirable that enemy ships be permitted freely to leave the port. The convention, therefore, was restrictive rather than declaratory of existing international practice. The same might be said of another provision of the convention concerning the treatment of enemy merchant ships upon the high seas. It may be said that the expression of a desire is tantamount to a positive declaration, but, strictly construed, the convention is not progressive. It lessens rights acquired by custom

and usage, although it does, indeed, render the privilege granted universal. The American delegation, therefore, refrained from signing the convention.

The seventh convention deals with the transformation of merchant ships into ships of war, and it must be said that the positive results of this convention are of little or no practical value. The burning question was whether merchant ships might be transformed into men-of-war upon the high seas. As the transformation of merchant vessels into war vessels upon the high seas caused an international commotion during the recent Russo-Japanese War, Great Britain and the United States insisted that the transfer should only be allowed within the territorial jurisdiction of the transforming power. Some of the continental states, on the contrary, refused to renounce the exercise of the alleged right. The great maritime states were thus divided, and as the question was too simple and too plain to admit of compromise, it was agreed to drop it entirely for the present. In order, however, that something might remain of the careful and elaborate discussions of the subject, a series of regulations was drawn up regarding the transformation of merchant ships into vessels of war, declaratory of international custom. For example: The vessel transformed should be placed under the direct and immediate control and responsibility of the power whose flag it bears; that the vessel must bear the outward signs of a man-of-war; that the commander should be in the service of the state and duly commissioned; that his name should appear upon the list of officers of the navy; that the crew should be submitted to military discipline; that the vessel in its operations should conform itself to the customs of war; and that the transforming nation should notify, as soon as possible, the transformation of the merchant vessel. It will be seen that all reference to the place of transformation was thus carefully eliminated and a series of unobjectionable and unquestionable resolutions declaratory of the international custom and practice was adopted. Indirectly, the rightfulness or wrongfulness of privateering was concerned, and inasmuch as the United States would not consent to abolish privateering unless the immunity of private property be safeguarded, the American delegation abstained from signing the convention.

The eighth convention relates to the placing of submarine automatic mines of contact, a subject of present and special interest

to belligerents; while the interest of the neutral is very general. Warfare permits belligerents to attack and to destroy each other in order to bring about a state of calm and repose which we call peace, but the action of the belligerent should be confined to the belligerents themselves. Neutrals should be, as far as possible, unaffected. Mines break from their moorings and endanger neutral life and property. The conference, therefore, desires to regulate the use of mines in such a way as not to deprive the belligerents of a recognized and legitimate means of warfare, but to restrict, as far as possible, the damage to the immediate belligerents. The following articles were therefore agreed to:—

Article 1. It is forbidden: 1. to use unanchored automatic contact mines, unless they are so constructed as to become innocuous at the latest one hour after control over them has been lost; 2. to place anchored automatic contact mines which do not become innocuous on carrying away their moorings; 3. to use torpedoes which do not become innocuous when they have missed their target.

Article 2. It is forbidden to place automatic contact mines in front of the coasts and ports of the adversary with the sole object of intercepting commercial navigation.

Article 3. When anchored automatic contact mines are used, all possible precautions should be taken for the safety of public navigation.

The belligerents engage, as far as possible, to provide that these mines shall become innocuous after a limited period of time, and in case they cease to be guarded, to give notice of the dangerous localities, as soon as military exigencies permit, by a notice to shipping which will also be communicated to the governments through diplomatic channels.

Article 4. Any neutral power which places automatic contact mines in front of its coasts must observe the same rules and take the same precautions as those which are imposed upon belligerents.

The neutral powers must make known to shipping, by previous notice, the regions where automatic contact mines are to be moored. This notice must be communicated speedily, as urgent, to the governments through diplomatic channels.

Article 5. At the close of the war, the contracting powers engage to do everything in their power to remove, each for himself, the mines which it has placed.

As to anchored automatic contact mines which one of the belligerents has placed along the coast of the other, their situation shall be indicated by the power that has placed them to the other party and each power shall proceed in the shortest possible time to remove the mines which are found in its waters.

Article 6. The signatory states which are not yet provided with improved mines, such as are required by this regulation, and which consequently can not actually conform to the rules established by Articles 1 and 3, agree to transform, as soon as possible, their mines, so as to comply with the prescriptions mentioned above.

Article 7. The stipulations of the present regulation are concluded for the

duration of seven years or until the end of the Third Peace Conference, if this date is prior.

The contracting powers engage to consider again the question of the use of submarine automatic contact mines six months before the expiration of the period of the seven years, in case it has not been again taken up and decided by the Third Conference of Peace at a previous date.

In the absence of the stipulations of a new convention, the present regulation shall continue in force, unless this convention is denounced. The denunciation shall not take effect (with regard to the notifying power) until six months after the notification.

It was sought, notably by Great Britain, to prevent any nation from placing submarine mines beyond its territorial waters, namely, the three-mile limit. It was objected to this that while the offensive use of mines might be limited, it was inadvisable, perhaps unreasonable, at the present time to limit the defensive use of mines. In one case the mines would be used as a means of attack; in the second place as a defense against aggression. The latter view commended itself to the conference, and, after much discussion, it was agreed not to introduce into the convention any provision upon the subject.

The ninth convention forbade the bombardment by naval forces of undefended harbors, villages, towns, or buildings. The presence, however, of military stores would permit bombardment of such ports for the sole purpose of destroying the stores, provided they were not destroyed or delivered up upon request. Notice, however, should be given of the intention to bombard. In like manner, the convention permitted the bombardment of such undefended places if provisions were not supplied upon requisition to the naval force. Bombardment, however, was not allowed for the collection of mere money contributions. It should be said that unoffending property was not to be bombarded or destroyed, and buildings and institutions devoted to a religious, scientific, or charitable purpose were expressly excluded from attack.

This convention will undoubtedly subserve a useful purpose and clear up a doubt which seems to have existed. The weight of opinion forbade the bombardment of undefended ports. The fear, however, that such ports might be attacked and held, in order to enforce submission, rendered a convention on this subject, even although declaratory of international usage and custom, of no little moment. We all remember the Spanish-American War and the constant fear, however

unfounded, that the Atlantic Coast might be bombarded by the Spanish fleet.

The tenth convention adapted to maritime warfare the principles of the Geneva Convention of 1906. It is not necessary to describe this admirable document in detail. We are familiar with the Red Cross and its work, and there exists absolute unanimity of opinion that the sick and wounded upon the battlefield or upon the high seas should be cared for, irrespective of nationality. Humanity demands it and this demand has been carefully complied with. A word of history may, however, be permitted. The first Geneva convention, dealing with land warfare, was drawn up in 1864. The additional articles of 1868, extending the principles of land warfare to naval warfare, failed of adoption. In 1899 the additional articles were made the basis of a convention dealing with this question adopted at the First Hague Convention. Warfare, however, had changed since 1864, and it was felt that the provisions of the Geneva Convention of 1864 should keep pace with the changed conditions, so in 1906 the Geneva Convention of 1864 was revised and the present conference adapted the provisions of this revised convention of 1906 to naval warfare. It is not necessary to enlarge upon the importance of this convention. We understand it and are proud of the progress it marks, in succoring the sick and the wounded and mitigating in their extreme rigor the evils necessarily incident to war.

The eleventh convention relates to certain restrictions in the exercise of the right of capture in maritime war. It is a modest document, but is all that was saved from the wreck of the immunity of private property. The American delegation urged the abolition of the right of capture of unoffending enemy private property upon the high seas, but great maritime powers such as Great Britain, France, Russia, and Japan were unwilling to relinquish this means of bringing the enemy to terms. A convention negotiated by powers having no great maritime interest might be a moral victory; it would not be of practical importance except as embodying in conventional form the advanced and radical views of this subject. But to return to the present convention. Chapter 1 frees from capture mail upon a vessel if not directed to or coming from a blockaded port. Chapter 2 frees from capture fishing smacks devoted solely to coastal fishing and small vessels engaged in local navigation. It is pleasing to note that the conference made the basis of its action the decision of

the Supreme Court of the United States in the well-known case of The Paquette Habana, 1899, 175 U.S. 677. Chapter 3 regulated the legal condition of the crew of an enemy merchant vessel by providing that subjects of neutral states were exempt from capture and that subjects of the enemy state were likewise exempt from capture, provided they gave an oath not to serve during the continuance of the war. These provisions are indeed modest when we consider the vast subject involved. They are, however, humaritarian, and therefore to be commended.

The twelfth convention sought to establish an international court of prize, and there only remains the ratification of this convention by the contracting powers in order to call into being this great and beneficent institution. For years, enlightened opinion has protested against the right of belligerents to pass final judgment upon the lawfulness of the capture of neutral property, and it is a pleasure to be able to state that the interests of the neutrals in the neutral prize are henceforward to be placed in the hands of neutral judges with a representation of the belligerents, in order that the rights of all concerned may be carefully weighed and considered.

It is understood that Norway intended to present a project for the establishment of a court of prize. It is a fact that both Germany and Great Britain presented a project for the establishment of a prize court at the first business session of the conference. The projects, however, were widely divergent. In one, the continental idea prevailed; in the other, the Anglo-Saxon idea dominated. It was impossible to convince either of the advantage of the other plan. Matters were at a standstill, when the American delegation, through Mr. Choate, proposed a basis of compromise which, accepted by both, resulted in the establishment of the court.

The provisions of this convention are technical and detailed as must be the case in which an institution is to be created and its jurisdiction and procedure defined within the compass of a single document. It is impossible, therefore, to discuss it at any length, but it would be an unpardonable omission if mention were not made of its salient features. In the first place, national prize courts are to officiate as in times past. One appeal is allowed from a national court to a higher court of the captor's country. Thereupon, at the expiration of two years an appeal may be taken directly from the national court and the case transferred from the national court to

the international prize court at The Hague. This court thereupon becomes seized of the law and the facts involved in the case, and the decision pronounced becomes final and binding upon the litigant parties.

It should be stated that while the prize court is chiefly a court for nations instead of for individuals, still the individual suitor, unless expressly prohibited by his country, may himself appeal and transfer the case, should his country be indisposed to appear before the bar as his representative. It may not be inappropriate to state that the institution of the court is in itself a recognition of the fact that the individual is not without standing in modern international law.

In discussing the matter of the prize court, President Roosevelt aptly said, in his recent message: —

> Any one who recalls the injustices under which this country suffered as a neutral power during the early part of the last century can not fail to see in this provision for an international prize court the great advance which the world is making towards the substitution of the rule of reason and justice in place of simple force. Not only will the international prize court be the means of protecting the interests of neutrals, but it is in itself a step towards the creation of the more general court for the hearing of international controversies to which reference has just been made. The organization and action of such a prize court can not fail to accustom the different countries to the submission of international questions to the decision of an international tribunal, and we may confidently expect the results of such submission to bring about a general agreement upon the enlargement of the practice.

The thirteenth convention concerns and seeks to regulate the rights and duties of neutral powers in case of maritime war. This is an elaborate codification of the rights and duties of neutrals in which the conference essayed to generalize and define on the one hand the rights of neutrals and the correlative duties of the belligerents, and in the second place to set forth in detail the duties of neutrals, thus safeguarding the rights of belligerents in certain phases of maritime warfare. The belligerents are forbidden to commit hostilities within the territory or the territorial waters of neutrals and are forbidden to make a neutral port or neutral territory the basis of naval operations. The neutral is likewise forbidden to permit such conduct; the belligerent is forbidden to equip, provision, or to procure ammunition for a warlike purpose within neutral ports, and the neutral is required to prevent such use of its territory. The enemy

men-of-war are forbidden to remain beyond a certain period in neutral harbors. If vessels of the other enemy be present, the order in which the vessels shall leave is prescribed, so that hostilities may not begin within neutral jurisdiction. There are other and important provisions in the convention which aim to codify existing custom, with the addition of provisions thought to be necessary or highly desirable. The result, however, was unsatisfactory to some of the larger maritime powers, which prefer their present regulations on the subject of neutrality or which were unwilling to accept the modifications proposed. The United States was not satisfied with certain provisions of the convention and reserved the right to study the project in detail before expressing a final opinion. It therefore abstained from voting and signing.

The fourteenth convention is a reënactment of the declaration of 1899 forbidding the launching of projectiles and explosives from balloons. The original declaration was agreed to for a period of five years, and as this period had expired the powers were without a regulation on the subject. The reënactment provided that the present declaration shall extend, not merely for a period of five years, but to the end of the Third Conference of Peace. It is difficult to say whether the declaration is important or not. It is, however, evidence of the fact that the conference believed that land and water offer a sufficient field for warfare without extending it to a newer element, the air.

Such is, in brief, the content of the fourteen conventions, including a declaration, previously enumerated. The Final Act then passes to the less formal results: —

> The conference, inspired by the spirit of compromise and reciprocal concession which pervades its deliberations, adopted the following declarations which, reserving to each of the represented powers the benefit of its votes, allows them to affirm the principles which they consider as unanimously recognized.
>
> It is unanimous: (1) In accepting the principle for obligatory arbitration; (2) in declaring that certain differences, and notably those relating to the interpretation and application of international conventional stipulations, are susceptible of being submitted to obligatory arbitration without any restriction.

It was a matter of great regret to the thirty-two powers voting in behalf of a general treaty of obligatory arbitration, against which there were only nine votes recorded, that the opponents of this great and beneficent measure stood upon the rights of the minority to block the will of the majority; but as Germany and Austria refused

to yield to the majority, and as an attempt to sign a special convention dealing with the subject, to be binding only on those who voted for it, would have created bitterness of feeling within and without the conference, it was deemed in the interest of international peace and good understanding to adopt the principle in the abstract without seeking to incorporate it in the concrete form of a convention. The future, however, is very bright. There is no reason to prevent the thirty-two powers from negotiating individual and separate treaties and thus accomplish indirectly and beyond the confines of The Hague what might and would have been accomplished but for the determined opposition of two great but unconverted powers.

In the next place, to continue the reading of the Final Act, the conference adopted unanimously the following resolution: —

> The Second Conference of Peace reaffirms the resolution adopted by the conference of 1899 regarding the limitation of military charges, and considers that these military burdens have considerably increased in almost all the countries since the last date. The conference declares that it is especially to be desired that the governments should undertake again the serious study of this question.

The friends of peace regarded the failure to limit the burden of armaments as a misfortune. There is much, however, to be said for the haste that makes slowly. The problem of disarmament or limitation of armaments is a very serious one. It is much more serious than the pacifists would have us believe. Shall all disarm at one and the same time? If that were possible, we could solve the question at once; but the fear that some may not disarm while others do, and the further fear that the large powers have not really lost the appetite for the weaker, must make one pause. Germany consented to the passage of the resolution, Great Britain supported it, and, in accordance with direct instructions from the Secretary of State, the American delegation voted for the measure.

The Final Act then proceeds to enumerate five recommendations, the first and last of which should be discussed.

> The conference recommends to the signatory powers the adoption of the project hereunto annexed of a convention for the establishment of a court of arbitral justice and its putting into effect as soon as an agreement shall have been reached as to the choice of the judges and the constitution of the court.

The project referred to as annexed and made a part of the recommendation is a careful convention consisting of thirty-five articles,

providing for the organization, jurisdiction, and procedure of a permanent court of arbitration, composed of permanent judges, versed in the existing systems of law of the modern civilized world. The conference was unable to agree upon the precise method of appointing the judges for the court, but recommended that this court be established upon the basis of the project approved by it and annexed to the recommendation as soon as the signatory powers should agree upon the method of appointing judges. The number of powers necessary is not specified, nor is the number of judges determined, as in the court of prize. It therefore follows that any number of powers may agree to make the project the basis of the court and the court is established. It would thus seem that we are in the presence of the realization of centuries of hope.

The fate of the court was long in suspense. The opposition to it was bitter at times. It was more difficult to carry than the prize court, because there was no international court of prize, whereas there is a permanent court of arbitration — The Hague Court — although permanent in name only and constituted from a list of judges for each case submitted to it. The existence, however, of the permanent court made it more difficult to establish the new one, and it was not until the last day but one of the conference that the project was adopted and referred to the powers by the unanimous vote of the nations present and voting. Perhaps it would be advisable to quote the first paragraph of the project in order that the exact nature of the court may be evident. It is as follows:—

> In order to further the cause of arbitration, the contracting powers agree to organize, without injury to the permanent court of arbitration, a court of arbitral justice, free and easy of access, composed of judges representing the juridical systems of the world and capable of assuring the continuity of arbitral jurisprudence.

It is proper to state that the project was essentially an American project, although presented conjointly by Germany and Great Britain, and the establishment of the court in the near future will be an American triumph. President Roosevelt, in his recent message to Congress, commented as follows upon this recommendation:—

> Substantial progress was also made towards the creation of a permanent judicial tribunal for the determination of international causes. There was very full discussion of the proposal for such a court and a general agreement was finally reached in favor of its creation. The conference recommended to the signatory powers the adoption of a draft upon which it agreed for the organiza-

tion of the court, leaving to be determined only the method by which the judges should be selected. This remaining unsettled question is plainly one which time and good temper will solve.

I believe you will search in vain for any work of a more far-reaching nature accomplished within the past centuries. The dream of Henry IV, the hope of William Penn, both of whom prepared projects for a court of nations, seem, if not wholly to have been realized, within the very grasp of our generation.

The friends of peace and arbitration had wished to make the conference at The Hague a permanent institution, meeting at regular and stated intervals known in advance. The American delegation had the honor to urge the adoption of such a resolution or recommendation and succeeded in substance, although the language is not so clear and crisp as one would like to see it. The exact wording of the recommendation follows:—

> Finally, the conference recommends to the powers the reunion of a third peace conference to take place within a period analogous to that which has elapsed since the preceding conference (eight years) at a date to be fixed by common agreement among the powers, and the conference calls their attention to the necessity of preparing the programme of the Third Conference far enough in advance in order that its deliberations may take place with indispensable authority and rapidity.
>
> In order to reach this end, the conference considers it very desirable that two years before the probable reunion of the conference a preparatory committee be charged by the governments with the duty of collecting the different propositions to be submitted to the conference, of discovering matters susceptible of future international regulation, and of preparing a programme which the governments shall determine so that it may be attentively studied in each country. This committee shall propose a mode of organization and procedure for the conference.

The meaning of this recommendation is obvious. Whatever power may call the conference, the interested governments are to prepare the programme and devise rules for the organization and procedure of the conference. In other words, the conference ceases to be Russian in becoming international.

Enough has been said to show that this conference, which lasted four months, and which was subjected to criticism in all parts of the world and to misrepresentations in the journals, has not only justified its calling, but that it is a landmark in international development.

Our great concern must be, as far as possible, to humanize war as long as war exists. The greater task is to remove the causes of war so that nations may not be hurried into war, or that friction,

developed by the failure to solve or adjust conflicts, may not permit nations slowly but surely to drift into war.

Leaving out minor matters, this conference did four things:—

1. It provided for a meeting of a third conference within an analogous period, namely, eight years, to be under the control of the powers generally, instead of the control of any one of them.

2. It adopted a convention for the non-forcible collection of contract debts, substituting arbitration and an appeal to reason for force and an appeal to arms.

3. It established a prize court to safeguard neutrals, and

4. It laid the foundations of, if it did not put the finishing stone to, a great court of arbitration.

James Brown Scott

TEXTS OF THE PEACE CONFERENCES AT THE HAGUE

RESCRIPT OF THE RUSSIAN EMPEROR[1]

August 24 (12, Old Style), 1898

The maintenance of general peace, and a possible reduction of the excessive armaments which weigh upon all nations, present themselves in the existing condition of the whole world, as the ideal towards which the endeavors of all Governments should be directed.

The humanitarian and magnanimous ideas of His Majesty the Emperor, my August Master, have been won over to this view. In the conviction that this lofty aim is in conformity with the most essential interests and the legitimate views of all Powers, the Imperial Government thinks that the present moment would be very favorable for seeking, by means of international discussion, the most effectual means of insuring to all peoples the benefits of a real and durable peace, and, above all, of putting an end to the progressive development of the present armaments.

In the course of the last twenty years the longings for a general appeasement have become especially pronounced in the consciences of civilized nations. The preservation of peace has been put forward as the object of international policy; in its name great States have concluded between themselves powerful alliances; it is the better to guarantee peace that they have developed, in proportions hitherto unprecedented, their military forces, and still continue to increase them without shrinking from any sacrifice.

All these efforts nevertheless have not yet been able to bring about the beneficent results of the desired pacification. The financial charges following an upward march strike at the public prosperity at its very source.

[1] Handed to diplomatic representatives by Count Mouravieff, Russian Foreign Minister, at weekly reception in the Foreign Office, St. Petersburg, August 24/12, 1898.

The intellectual and physical strength of the nations, labor and capital, are for the major part diverted from their natural application, and unproductively consumed. Hundreds of millions are devoted to acquiring terrible engines of destruction, which, though to-day regarded as the last word of science, are destined to-morrow to lose all value in consequence of some fresh discovery in the same field.

National culture, economic progress, and the production of wealth are either paralyzed or checked in their development. Moreover, in proportion as the armaments of each Power increase, so do they less and less fulfill the object which the Governments have set before themselves.

The economic crises, due in great part to the system of armaments *à l'outrance*, and the continual danger which lies in this massing of war material, are transforming the armed peace of our days into a crushing burden, which the peoples have more and more difficulty in bearing. It appears evident, then, that if this state of things were prolonged, it would inevitably lead to the very cataclysm which it is desired to avert, and the horrors of which make every thinking man shudder in advance.

To put an end to these incessant armaments and to seek the means of warding off the calamities which are threatening the whole world, — such is the supreme duty which is to-day imposed on all States.

Filled with this idea, His Majesty has been pleased to order me to propose to all the Governments whose representatives are accredited to the Imperial Court, the meeting of a conference which would have to occupy itself with this grave problem.

This conference should be, by the help of God, a happy presage for the century which is about to open. It would converge in one powerful focus the efforts of all States which are sincerely seeking to make the great idea of universal peace triumph over the elements of trouble and discord.

It would, at the same time, confirm their agreement by the solemn establishment of the principles of justice and right, upon which repose the security of States and the welfare of peoples.

RUSSIAN CIRCULAR

JANUARY 11, 1899 (DECEMBER 30, 1898, OLD STYLE)

WHEN, in the month of August last, my August Master instructed me to propose to the Governments which have Representatives in St. Petersburg the meeting of a Conference with the object of seeking the most efficacious means for assuring to all peoples the blessings of real and lasting peace, and, above all, in order to put a stop to the progressive development of the present armaments, there appeared to be no obstacle in the way of the realization, at no distant date, of this humanitarian scheme.

The cordial reception accorded by nearly all the Powers to the step taken by the Imperial Government could not fail to strengthen this expectation. While highly appreciating the sympathetic terms in which the adhesions of most of the Powers were expressed, the Imperial Cabinet has been also able to collect, with lively satisfaction, evidence of the warmest approval which has reached it, and continues to be received, from all classes of society in various parts of the globe.

Notwithstanding the strong current of opinion which exists in favor of the ideas of general pacification, the political horizon has recently undergone a decided change. Several Powers have undertaken fresh armaments, striving to increase further their military forces, and in the presence of this uncertain situation, it might be asked whether the Powers considered the present moment opportune for the international discussion of the ideas set forth in the circular of August 12 (24, O.S.).

In the hope, however, that the elements of trouble agitating political centers will soon give place to a calmer disposition of a nature to favor the success of the proposed Conference, the Imperial Government is of opinion that it would be possible to proceed forthwith to a preliminary exchange of ideas between the Powers, with the object:—

(*a*) Of seeking without delay means for putting a limit to the progressive increase of military and naval armaments, a question the solution of which becomes evidently more and more urgent in view of the fresh extension given to these armaments; and

(*b*) Of preparing the way for a discussion of the questions relating

to the possibility of preventing armed conflicts by the pacific means at the disposal of international diplomacy.

In the event of the Powers considering the present moment favorable for the meeting of a Conference on these bases, it would certainly be useful for the Cabinets to come to an understanding on the subject of the programme of their labors.

The subjects to be submitted for international discussion at the Conference could, in general terms, be summarized as follows: —

1. An understanding not to increase for a fixed period the present effective of the armed military and naval forces, and at the same time not to increase the Budgets pertaining thereto; and a preliminary examination of the means by which a reduction might even be effected in future in the forces and Budgets above mentioned.

2. To prohibit the use in the armies and fleets of any new kind of firearms whatever, and of new explosives, or any powders more powerful than those now in use, either for rifles or cannon.

3. To restrict the use in military warfare of the formidable explosives already existing, and to prohibit the throwing of projectiles or explosives of any kind from balloons or by any similar means.

4. To prohibit the use, in naval warfare, of submarine torpedo boats or plungers, or other similar engines of destruction; to give an undertaking not to construct, in the future, vessels with rams.

5. To apply to naval warfare the stipulations of the Geneva Convention of 1864, on the basis of the additional Articles of 1868.

6. To neutralize ships and boats employed in saving those overboard during or after an engagement.

7. To revise the Declaration concerning the laws and customs of war elaborated in 1874 by the Conference of Brussels, which has remained unratified to the present day.

8. To accept in principle the employment of good offices, of mediation and facultative arbitration in cases lending themselves thereto, with the object of preventing armed conflicts between nations; to come to an understanding with respect to the mode of applying these good offices, and to establish a uniform practice in using them.

It is well understood that all questions concerning the political relations of States, and the order of things established by Treaties, as in general all questions which do not directly fall within the programme adopted by the Cabinets, must be absolutely excluded from the deliberations of the Conference.

In requesting you, Sir, to be good enough to apply to your Government for instructions on the subject of my present communication, I beg you at the same time to inform it that, in the interest of the great cause which my August Master has so much at heart, His Imperial Majesty considers it advisable that the Conference should not sit in the capital of one of the Great Powers, where so many political interests are centered, which might, perhaps, impede the progress of a work in which all the countries of the universe are equally interested.

I have, etc.,

(Signed) Comte Mouravieff

THE PEACE CONFERENCE OF 1899

ACTE FINAL DE LA CONFÉRENCE INTERNATIONALE DE LA PAIX

La Conférence Internationale de la Paix, convoquée dans un haut sentiment d'humanité par Sa Majesté l'Empereur de Toutes les Russies, s'est réunie sur l'invitation du Gouvernement de Sa Majesté la Reine des Pays-Bas, à la Maison Royale du Bois, à La Haye, le 18 Mai, 1899.

Les Puissances, dont l'énumération suit, ont pris part à la Conférence, pour laquelle Elles avaient désigné les Délégués nommés ci-après:

Pour l'Allemagne:

Son Excellence le Comte de Münster, Ambassadeur d'Allemagne à Paris, Délégué Plénipotentiaire.

M. le Baron de Stengel, Professeur à l'Université de Munich, Second Délégué.

M. le Dr. Zorn, Conseiller Intime de Justice, Professeur à l'Université de Königsberg, Délégué Scientifique.

M. le Colonel de Gross de Schwarzhoff, Commandant du

FINAL ACT OF THE INTERNATIONAL PEACE CONFERENCE

The International Peace Conference, convoked in the best interests of humanity by His Majesty the Emperor of All the Russias, assembled, on the invitation of the Government of Her Majesty the Queen of the Netherlands, in the Royal House in the Wood at The Hague on the 18th May, 1899.

The Powers enumerated in the following list took part in the Conference, to which they appointed the Delegates named below:

For Germany:

His Excellency Count de Münster, German Ambassador at Paris, Delegate Plenipotentiary.

The Baron de Stengel, Professor at the University of Munich, Second Delegate.

Dr. Zorn, Judicial Privy Councilor, Professor at the University of Königsberg, Scientific Delegate.

Colonel de Gross de Schwarzhoff, Commandant of the 5th

5e Regiment d'Infanterie, No. 94, Délégué Technique.

M. le Capitaine de Vaisseau Siegel, Attaché Naval à l'Ambassade Impériale à Paris, Délégué Technique.

Pour l'Autriche-Hongrie:

Son Excellence le Comte R. Welsersheimb, Ambassadeur Extraordinaire et Plénipotentiaire, Premier Délégué, Plénipotentiaire.

M. Alexandre Okolicsányi d'Okolicsna, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Second Délégué, Plénipotentiaire.

M. Gaétan Mérey de Kapos-Mère, Conseiller d'Ambassade et Chef du Cabinet du Ministre des Affaires Étrangères, Délégué Adjoint.

M. Henri Lammasch, Professeur à l'Université de Vienne, Délégué Adjoint.

M. Victor de Khuepach zu Ried, Zimmerlehen et Haslburg, Lieutenant-Colonel de l'État-Major Général, Délégué Adjoint.

M. le Comte Stanislas Soltyk, Capitaine de Corvette, Délégué Adjoint.

Pour la Belgique:

Son Excellence M. Auguste Beernaert, Ministre d'État, Président de la Chambre des

Regiment of Infantry, No. 94, Technical Delegate.

Captain Siegel, Naval Attaché to the Imperial Embassy at Paris, Technical Delegate.

For Austria-Hungary:

His Excellency Count R. Welsersheimb, Ambassador Extraordinary and Plenipotentiary, First Delegate, Plenipotentiary.

M. Alexandre Okolicsányi d'Okolicsna, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate, Plenipotentiary.

M. Gaétan Mérey de Kapos-Mère, Councilor of Embassy and Chief of Cabinet of the Minister for Foreign Affairs, Assistant Delegate.

M. Henri Lammasch, Professor at the University of Vienna, Assistant Delegate.

M. Victor de Khuepach zu Ried, Zimmerlehen and Haslburg, Lieutenant-Colonel on the General Staff, Assistant Delegate.

Count Stanislas Soltyk, Captain of Corvette, Assistant Delegate.

For Belgium:

His Excellency M. Auguste Beernaert, Minister of State, President of the Chamber of

Représentants, Délégué Plénipotentiaire.

M. le Comte de Grelle Rogier, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Délégué Plénipotentiaire.

M. le Chevalier Descamps, Sénateur, Délégué Plénipotentiaire.

Pour la Chine:

M. Yang Yü, Envoyé Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg, Premier Délégué, Plénipotentiaire.

M. Lou-Tseng-Tsiang, Second Délégué.

M. Hoo-Wei-Teh, Second Délégué.

M. Ho-Yen-Cheng, Conseiller de Légation, Délégué Adjoint.

Pour le Danemark:

M. le Chambellan Fr. E. de Bille, Envoyé Extraordinaire et Ministre Plénipotentiaire à Londres, Premier Délégué, Plénipotentiaire.

M. J. G. F. von Schnack, Colonel d'Artillerie, ancien Ministre de la Guerre, Second Délégué, Plénipotentiaire.

Pour l'Espagne:

Son Excellence le Duc de Tetuan, ancien Ministre des Affaires Étrangères, Premier Délégué, Plénipotentiaire.

Representatives, Delegate Plenipotentiary.

The Count de Grelle Rogier, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary.

The Chevalier Descamps, Senator, Delegate Plenipotentiary.

For China:

M. Yang Yü, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, First Delegate, Plenipotentiary.

M. Lou-Tseng-Tsiang, Second Delegate.

M. Hoo-Wei-Teh, Second Delegate.

M. Ho-Yen-Cheng, Councilor of Legation, Assistant Delegate.

For Denmark:

Chamberlain Fr. E. de Bille, Envoy Extraordinary and Minister Plenipotentiary at London, First Delegate, Plenipotentiary.

M. J. G. F. von Schnack, Colonel of Artillery, ex-Minister for War, Second Delegate, Plenipotentiary.

For Spain:

His Excellency Duke de Tetuan, ex-Minister for Foreign Affairs, First Delegate, Plenipotentiary.

M. W. Ramirez de Villa Urrutia, Envoyé Extraordinaire et Ministre Plénipotentiaire à Bruxelles, Délégué Plénipotentiaire.

M. Arthur de Baguer, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Délégué Plénipotentiaire.

M. le Comte del Serrallo, Colonel, Attaché Militaire à la Légation d'Espagne à Bruxelles, Délégué Adjoint.

Pour les États-Unis d'Amérique:

Son Excellence M. Andrew D. White, Ambassadeur des États-Unis à Berlin, Délégué Plénipotentiaire.

L'Honorable Seth Low, Président de l'Université Columbia à New York, Délégué Plénipotentiaire.

M. Stanford Newel, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Délégué Plénipotentiaire.

M. Alfred T. Mahan, Capitaine de Vaisseau, Délégué Plénipotentiaire.

M. William Crozier, Capitaine d'Artillerie, Délégué Plénipotentiaire.

M. Frederick W. Holls, Avocat à New York, Délégué et Secrétaire de la Délégation.

M. W. Ramirez de Villa Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels, Delegate Plenipotentiary.

M. Arthur de Baguer, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary.

The Count del Serrallo, Colonel, Military Attaché to the Spanish Legation at Brussels, Assistant Delegate.

For the United States of America:

His Excellency Mr. Andrew D. White, United States Ambassador at Berlin, Delegate Plenipotentiary.

The Honorable Seth Low, President of the Columbia University at New York, Delegate Plenipotentiary.

Mr. Stanford Newel, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary.

Captain Alfred T. Mahan, United States Navy, Delegate Plenipotentiary.

Mr. William Crozier, Captain of Artillery, Delegate Plenipotentiary.

Mr. Frederick W. Holls, Advocate at New York, Delegate and Secretary to the Delegation.

Pour les États-Unis Mexicains:

M. de Mier, Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, Délégué Plénipotentiaire.

M. Zenil, Ministre-Résident à Bruxelles, Délégué Plénipotentiaire.

Pour la France:

M. Léon Bourgeois, ancien Président du Conseil, ancien Ministre des Affaires Étrangères, Membre de la Chambre des Députés, Premier Délégué, Plénipotentiaire.

M. Georges Bihourd, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Deuxième Délégué, Plénipotentiaire.

M. le Baron d'Estournelles de Constant, Ministre Plénipotentiaire, Membre de la Chambre des Députés, Troisième Délégué, Plénipotentiaire.

M. Mounier, Général de Brigade, Délégué Technique.

M. Péphau, Contre-Amiral, Délégué Technique.

M. Louis Renault, Professeur à la Faculté de Droit de Paris, Jurisconsulte Conseil du Ministère des Affaires Étrangères, Délégué Technique.

Pour la Grande-Bretagne et Irlande:

Son Excellence le Très Ho-

For the United States of Mexico:

M. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

M. Zenil, Minister-Resident at Brussels, Delegate Plenipotentiary.

For France:

M. Léon Bourgeois, ex-President of Council, ex-Minister for Foreign Affairs, Member of the Chamber of Deputies, First Delegate, Plenipotentiary.

M. Georges Bihourd, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate, Plenipotentiary.

The Baron d'Estournelles de Constant, Minister Plenipotentiary, Member of the Chamber of Deputies, Third Delegate, Plenipotentiary.

M. Mounier, General of Brigade, Technical Delegate.

M. Péphau, Rear-Admiral, Technical Delegate.

M. Louis Renault, Professor à la Faculté de Droit at Paris, Legal Adviser to the Ministry for Foreign Affairs, Technical Delegate.

For Great Britain and Ireland:

His Excellency the Right Hon-

norable Sir Julian Pauncefote, Membre du Conseil Privé de Sa Majesté, Ambassadeur Extraordinaire et Plénipotentiaire du Royaume-Uni à Washington, Premier Délégué, Plénipotentiaire.

Sir Henry Howard, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Second Délégué, Plénipotentiaire.

Sir John A. Fisher, Vice-Amiral, Délégué Technique.

Sir J. C. Ardagh, General-Major, Délégué Technique.

M. le Lieutenant-Colonel C. à Court, Attaché Militaire à Bruxelles et à La Haye, Délégué Technique Adjoint.

Pour la Grèce:

M. N. Delyannis, ancien Président du Conseil, ancien Ministre des Affaires Étrangères, Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, Délégué Plénipotentiaire.

Pour l'Italie:

Son Excellence le Comte Nigra, Ambassadeur d'Italie à Vienne, Sénateur du Royaume, Premier Délégué, Plénipotentiaire.

M. le Comte A. Zannini, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Deuxième Délégué, Plénipotentiaire.

orable Sir Julian Pauncefote, Member of Her Majesty's Privy Council, Ambassador Extraordinary and Plenipotentiary of the United Kingdom at Washington, First Delegate, Plenipotentiary.

Sir Henry Howard, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate, Plenipotentiary.

Sir John A. Fisher, Vice-Admiral, Technical Delegate.

Sir J. C. Ardagh, Major-General, Technical Delegate.

Lieutenant-Colonel C. à Court, Military Attaché at Brussels and The Hague, Assistant Technical Delegate.

For Greece:

M. N. Delyannis, ex-President of the Council, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

For Italy:

His Excellency Count Nigra, Italian Ambassador at Vienna, Senator of the Kingdom, First Delegate, Plenipotentiary.

Count A. Zannini, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate, Plenipotentiary.

M. le Chevalier Guido Pompilj, Député au Parlement Italien, Troisième Délégué, Plénipotentiaire.

M. le Chevalier Louis Zuccari, Général-Major, Délégué Technique.

M. le Chevalier Auguste Bianco, Capitaine de Vaisseau, Attaché Naval à l'Ambassade Royale à Londres, Délégué Technique.

The Chevalier Guido Pompilj, Deputy in the Italian Parliament, Third Delegate, Plenipotentiary.

The Chevalier Louis Zuccari, Major-General, Technical Delegate.

The Chevalier Auguste Bianco, Captain, Naval Attaché to the Royal Embassy at London, Technical Delegate.

Pour le Japon:

M. le Baron Hayashi, Envoyé Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg, Premier Délégué, Plénipotentiaire.

M. J. Motono, Envoyé Extraordinaire et Ministre Plénipotentiaire à Bruxelles, Second Délégué, Plénipotentiaire.

M. Uyehara, Colonel, Délégué Technique.

M. Sakamoto, Capitaine de Vaisseau, Délégué Technique.

M. Nagao Ariga, Professeur de Droit International à l'École Supérieure de Guerre et à l'École de Marine à Tokio, Délégué Technique.

For Japan:

The Baron Hayashi, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, First Delegate, Plenipotentiary.

M. J. Motono, Envoy Extraordinary and Minister Plenipotentiary at Brussels, Second Delegate, Plenipotentiary.

Colonel Uyehara, Technical Delegate.

Captain Sakamoto, Japanese Navy, Technical Delegate.

M. Nagao Ariga, Professor of International Law at the Superior Military School and the Naval School of Tokio, Technical Delegate.

Pour le Luxembourg:

Son Excellence M. Eyschen, Ministre d'État, Président du Gouvernement Grand-Ducal, Délégué Plénipotentiaire.

M. le Comte de Villers,

For Luxemburg:

His Excellency M. Eyschen, Minister of State, President of the Grand Ducal Government, Delegate Plenipotentiary.

The Count de Villers, Chargé

Chargé d'Affaires à Berlin, Délégué Plénipotentiaire.

Pour le Monténégro:

Son Excellence M. le Conseiller Privé Actuel de Staal, Ambassadeur de Russie à Londres, Délégué Plénipotentiaire.

Pour les Pays-Bas:

M. le Jonkheer A. P. C. van Karnebeek, ancien Ministre des Affaires Étrangères, Membre de la Seconde Chambre des États-Généraux, Délégué Plénipotentiaire.

M. le Général J. C. C. den Beer Poortugael, ancien Ministre de la Guerre, Membre du Conseil d'État, Délégué Plénipotentiaire.

M. T. M. C. Asser, Membre du Conseil d'État, Délégué Plénipotentiaire.

M. E. N. Rahusen, Membre de la Première Chambre des États-Généraux, Délégué Plénipotentiaire.

M. A. P. Tadema, Capitaine de Vaisseau, Chef de l'État-Major de la Marine Néerlandaise, Délégué Technique.

Pour la Perse:

M. l'Aide-de-Camp Général Mirza Riza Khan (Arfa-ud-Dovleh), Envoyé Extraordinaire et Ministre Plénipotentiaire à

d'Affaires at Berlin, Delegate Plenipotentiary.

For Montenegro:

His Excellency M. de Staal, Privy Councilor, Russian Ambassador at London, Delegate Plenipotentiary.

For the Netherlands:

M. le Jonkheer A. P. C. van Karnebeek, ex-Minister for Foreign Affairs, Member of the Second Chamber of the States-General, Delegate Plenipotentiary.

General J. C. C. den Beer Poortugael, ex-Minister for War, Member of the Council of State, Delegate Plenipotentiary.

M. T. M. C. Asser, Member of the Council of State, Delegate Plenipotentiary.

M. E. N. Rahusen, Member of the First Chamber of the States-General, Delegate Plenipotentiary.

Captain A. P. Tadema, Chief of the Staff of the Netherlands Marine, Technical Delegate.

For Persia:

Aide-de-Camp General Mirza Riza Khan (Arfa-ud-Dovleh), Envoy Extraordinary and Minister Plenipotentiary at St. Peters-

Saint-Pétersbourg et à Stockholm, Premier Délégué, Plénipotentiaire.

M. Mirza Samad Khan (Montazis-Saltaneh), Conseiller de Légation à Saint-Pétersbourg, Délégué Adjoint.

Pour le Portugal:

M. le Comte de Macedo, Pair du Royaume, ancien Ministre de la Marine et des Colonies, Envoyé Extraordinaire et Ministre Plénipotentiaire à Madrid, Délégué Plénipotentiaire.

M. d'Ornellas Vasconcellos, Pair du Royaume, Envoyé Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg, Délégué Plénipotentiaire.

M. le Comte de Sélir, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye, Délégué Plénipotentiaire.

M. le Capitaine de Vaisseau Augusto de Castilho, Délégué Technique.

M. le Capitaine de l'État-Major Général Ayres d'Ornellas, Délégué Technique.

Pour la Roumanie:

M. Alexandre Beldiman, Envoyé Extraordinaire et Ministre Plénipotentiaire à Berlin, Premier Délégué, Plénipotentiaire.

M. Jean N. Papiniu, Envoyé Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg et Stockholm, Premier Délégué, Plénipotentiaire.

M. Mirza Samad Khan (Montazis-Saltaneh), Councilor of Legation at St. Petersburg, Assistant Delegate.

For Portugal:

The Count de Macedo, Peer of the Kingdom, ex-Minister of Marine and the Colonies, Envoy Extraordinary and Minister Plenipotentiary at Madrid, Delegate Plenipotentiary.

M. d'Ornellas Vasconcellos, Peer of the Kingdom, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg, Delegate Plenipotentiary.

The Count de Sélir, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary.

Captain Augusto de Castilho, Technical Delegate.

Captain on the General Staff Ayres d'Ornellas, Technical Delegate.

For Roumania:

M. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate, Plenipotentiary.

M. Jean N. Papiniu, Envoy Extraordinary and Minister Plen-

potentiaire à La Haye, Second Délégué, Plénipotentiaire.

M. le Colonel Aide-de-Camp Constantin Coanda, Directeur de l'Artillerie au Ministère de la Guerre, Délégué Technique.

Pour la Russie:

Son Excellence M. le Conseiller Privé Actuel de Staal, Ambassadeur de Russie à Londres, Délégué Plénipotentiaire.

M. de Martens, Membre Permanent du Conseil du Ministère Impérial des Affaires Étrangères, Conseiller Privé, Délégué Plénipotentiaire.

M. le Conseiller d'État Actuel de Basily, Chambellan, Directeur du Premier Département du Ministère Impérial des Affaires Étrangères, Délégué Plénipotentiaire.

M. le Conseiller d'État Actuel Raffalovich, Agent du Ministère Impérial des Finances en France, Délégué Technique.

M. Gilinsky, Colonel de l'État-Major Général, Délégué Technique.

M. le Comte Barantzew, Colonel de l'Artillerie Montée de la Garde, Délégué Technique.

M. Schéine, Capitaine de Frégate, Agent Naval de Russie en France, Délégué Technique.

M. Ovtchinnikow, Lieutenant de Vaisseau, Professeur de Jurisprudence, Délégué Technique.

ipotentiary at The Hague, Second Delegate, Plenipotentiary.

Aide-de-Camp Colonel Constantin Coanda, Director of Artillery at the Ministry for War, Technical Delegate.

For Russia:

His Excellency M. de Staal, Privy Councilor, Russian Ambassador at London, Delegate Plenipotentiary.

M. de Martens, Permanent Member of the Council of the Imperial Ministry for Foreign Affairs, Privy Councilor, Delegate Plenipotentiary.

M. de Basily, Councilor of State, Chamberlain, Director of the First Department of the Imperial Ministry for Foreign Affairs, Delegate Plenipotentiary.

M. Raffalovich, Councilor of State, Agent in France of the Imperial Ministry for Finance, Technical Delegate.

M. Gilinsky, Colonel on the General Staff, Technical Delegate.

Count Barantzew, Colonel of Horse Artillery of the Guard, Technical Delegate.

Captain Schéine, Russian Naval Agent in France, Technical Delegate.

M. Ovtchinnikow, Naval Lieutenant, Professor of Jurisprudence, Technical Delegate.

Pour la Serbie:

M. Miyatovitch, Envoyé Extraordinaire et Ministre Plénipotentiaire à Londres et à La Haye, Délégué Plénipotentiaire.

M. le Colonel Maschine, Envoyé Extraordinaire et Ministre Plénipotentiaire à Cettigné, Délégué Plénipotentiaire.

M. le Dr. Voïslave Veljkovitch, Professeur à la Faculté de Droit de Belgrade, Délégué Adjoint.

Pour le Siam:

Son Excellence Phya Suriya Nuvatr, Envoyé Extraordinaire et Ministre Plénipotentiaire à Saint-Pétersbourg et à Paris, Premier Délégué, Plénipotentiaire.

Son Excellence Phya Visuddha Suriya Sakdi, Envoyé Extraordinaire et Ministre Plénipotentiaire à La Haye et à Londres, Deuxième Délégué, Plénipotentiaire.

M. Ch. Corragioni d'Orelli, Conseiller de Légation, Troisiéme Délégué.

M. Édouard Rolin, Consul-Général de Siam en Belgique, Quatrième Délégué.

Pour la Suède et la Norvège:

M. le Baron de Bildt, Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour Royale d'Italie, Délgéué Plénipotentiaire.

For Servia:

M. Miyatovitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary.

Colonel Maschine, Envoy Extraordinary and Minister Plenipotentiary at Cettinjé, Delegate Plenipotentiary.

Dr. Voïslave Veljkovitch, Professor à la Faculté de Droit at Belgrade, Assistant Delegate.

For Siam:

His Excellency Phya Suriya Nuvatr, Envoy Extraordinary and Minister Plenipotentiary at St. Petersburg and Paris, First Delegate, Plenipotentiary.

His Excellency Phya Visuddha Suriya Sakdi, Envoy Extraordinary and Minister Plenipotentiary at The Hague and London, Second Delegate, Plenipotentiary.

M. Ch. Corragioni d'Orelli, Councilor of Legation, Third Delegate.

M. Édouard Rolin, Siamese Consul-General in Belgium, Fourth Delegate.

For Sweden and Norway:

The Baron de Bildt, Envoy Extraordinary and Minister Plenipotentiary at the Royal Court of Italy, Delegate Plenipotentiary.

Suède:

M. P. H. E. Brändström, Colonel, Chef du 1er Régiment des Grenadiers de la Garde, Délégué Technique.

M. C. A. M. de Hjulhammar, Capitaine de Vaisseau, Délégué Technique.

Sweden:

Colonel P. H. E. Brändström, Chief of 1st Regiment of Grenadiers of the Guard, Technical Delegate.

Captain C. A. M. de Hjulhammar, Swedish Navy, Technical Delegate.

Norvège:

M. W. Konow, Président de l'Odelsting, Délégué Technique.

M. J. J. Thaulow, Général-Major, Médecin-Général de l'Armée et de la Marine, Délégué Technique:

Norway:

M. W. Konow, President of the Odelsting, Technical Delegate.

Major-General J. J. Thaulow, Surgeon-General of the Army and Navy, Technical Delegate.

Pour la Suisse:

M. le Dr. Arnold Roth, Envoyé Extraordinaire et Ministre Plénipotentiaire à Berlin, Délégué Plenipotentiaire.

M. le Colonel Arnold Künzli, Conseiller National, Délégué.

M. Édouard Odier, Conseiller National, Délégué Plénipotentiaire.

For Switzerland:

Dr. Arnold Roth, Envoy Extraordinary and Minister Plenipotentiary at Berlin, Delegate Plenipotentiary.

Colonel Arnold Künzli, National Councilor, Delegate.

M. Édouard Odier, National Councilor, Delegate Plenipotentiary.

Pour la Turquie:

Son Excellence Turkhan Pacha, ancien Ministre des Affaires Étrangères, Membre du Conseil d'État, Premier Délégué, Plénipotentiaire.

Noury Bey, Secrétaire-Général au Ministère des Affaires Étrangères, Délégué Plénipotentiaire.

For Turkey:

His Excellency Turkhan Pasha, ex-Minister for Foreign Affairs, Member of the Council of State, First Delegate, Plenipotentiary.

Noury Bey, Secretary-General to the Ministry for Foreign Affairs, Delegate Plenipotentiary.

Abdullah Pacha, Général de Division d'État-Major, Délégué Plénipotentiaire.

Mehemed Pacha, Contre-Amiral, Délégué Plénipotentiaire.

Pour la Bulgarie:

M. le Dr. Dimitri I. Stancioff, Agent Diplomatique à Saint-Pétersbourg, Premier Délégué, Plénipotentiaire.

M. le Major Christo Hessaptchieff, Attaché Militaire à Belgrade, Second Délégué, Plénipotentiaire.

Dans une série de réunions, tenues du 18 Mai au 29 Juillet, 1899, où les Délégués précités ont été constamment animés du désir de réaliser, dans la plus large mesure possible, les vues généreuses de l'Auguste Initiateur de la Conférence et les intentions de leurs Gouvernements, la Conférence a arrêté, pour être soumis à la signature des Plénipotentiaires, le texte des Conventions et Déclarations énumérées ci-après et annexées au présent Acte:

I. Convention pour le règlement pacifique des conflits internationaux.

II. Convention concernant les lois et coutumes de la guerre sur terre.

III. Convention pour l'adaptation à la guerre maritime des

Abdullah Pasha, General of Division of the Staff, Delegate Plenipotentiary.

Mehemed Pasha, Rear-Admiral, Delegate Plenipotentiary.

For Bulgaria:

Dr. Dimitri I. Stancioff, Diplomatic Agent at St. Petersburg, First Delegate, Plenipotentiary.

Major Christo Hessaptchieff, Military Attaché at Belgrade, Second Delegate, Plenipotentiary.

In a series of meetings, between the 18th May and the 29th July, 1899, in which the constant desire of the Delegates above mentioned has been to realize, in the fullest manner possible, the generous views of the August Initiator of the Conference and the intentions of their Governments, the Conference has agreed, for submission for signature by the Plenipotentiaries, on the text of the Conventions and Declarations enumerated below and annexed to the present Act:

I. Convention for the peaceful adjustment of international differences.

II. Convention regarding the laws and customs of war by land.

III. Convention for the adaptation to maritime warfare of the

principes de la Convention de Genève du 22 Août, 1864.

IV. Trois Déclarations concernant:

1. L'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.

2. L'interdiction de l'emploi des projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.

3. L'interdiction de l'emploi de balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.

Ces Conventions et Déclarations formeront autant d'Actes séparés. Ces Actes porteront la date de ce jour et pourront être signés jusqu'au 31 Décembre, 1899, par les Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye.

Obéissant aux mêmes inspirations, la Conférence a adopté à l'unanimité la Résolution suivante:

"La Conférence estime que la limitation des charges militaires qui pèsent actuellement sur le monde est grandement désirable pour l'accroissement du bien-être matériel et moral de l'humanité."

principles of the Geneva Convention of the 22d August, 1864.

IV. Three Declarations:

1. To prohibit the launching of projectiles and explosives from balloons or by other similar new methods.

2. To prohibit the use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.

3. To prohibit the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.

These Conventions and Declarations shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 31st December, 1899, by the Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague.

Guided by the same sentiments, the Conference has adopted unanimously the following Resolution:

"The Conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind."

Elle a, en outre, émis les vœux suivants:

1. La Conférence, prenant en considération les démarches préliminaires faites par le Gouvernement Fédéral Suisse pour la revision de la Convention de Genève, émet le vœu qu'il soit procédé à bref délai à la réunion d'une Conférence spéciale ayant pour objet la revision de cette Convention.

Ce vœu a été voté à l'unanimité.

2. La Conférence émet le vœu que la question des droits et des devoirs des neutres soit inscrite au programme d'une prochaine Conférence.

3. La Conférence émet le vœu que les questions relatives aux fusils et aux canons de marine, telles qu'elles ont été examinées par elle, soient mises à l'étude par les Gouvernements, en vue d'arriver à une entente concernant la mise en usage de nouveaux types et calibres.

4. La Conférence émet le vœu que les Gouvernements, tenant compte des propositions faites dans le Conférence, mettent à l'étude la possibilité d'une entente concernant la limitation des forces armées de terre et de mer et des budgets de guerre.

5. La Conférence émet le vœu que la proposition tendant à

It has, besides, formulated the following wishes:

1. The Conference, taking into consideration the preliminary step taken by the Swiss Federal Government for the revision of the Geneva Convention, expresses the wish that steps may be shortly taken for the assembly of a Special Conference having for its object the revision of that Convention.

This wish was voted unanimously.

2. The Conference expresses the wish that the questions of the rights and duties of neutrals may be inserted in the programme of a Conference in the near future.

3. The Conference expresses the wish that the questions with regard to rifles and naval guns, as considered by it, may be studied by the Governments with the object of coming to an agreement respecting the employment of new types and calibers.

4. The Conference expresses the wish that the Governments, taking into consideration the proposals made at the Conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea, and of war budgets.

5. The Conference expresses the wish that the proposal, which

déclarer l'inviolabilité de la propriété privée dans la guerre sur mer soit renvoyée à l'examen d'une Conférence ulterieure.

6. La Conférence émet le vœu que la proposition de régler la question du bombardement des ports, villes et villages, par une force navale, soit renvoyée à l'examen d'une Conférence ultérieure.

Les cinq derniers vœux ont été votés à l'unanimité, sauf quelques abstentions.

En foi de quoi, les Plénipotentiaires ont signé le présent Acte, et y ont apposé leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui sera déposé au Ministère des Affaires Étrangères, et dont des copies, certifiées conformes, seront délivrées à toutes les Puissances représentées à la Conférence.

[Signatures]

contemplates the declaration of the inviolability of private property in naval warfare, may be referred to a subsequent Conference for consideration.

6. The Conference expresses the wish that the proposal to settle the question of the bombardment of posts, towns, and villages by a naval force may be referred to a subsequent Conference for consideration.

The last five wishes were voted unanimously, saving some abstentions.

In faith of which, the Plenipotentiaries have signed the present Act, and have affixed their seals thereto.

Done at The Hague, 29th July, 1899, in one copy only, which shall be deposited in the Ministry for Foreign Affairs, and of which copies, duly certified, shall be delivered to all the Powers represented at the Conference.

[Signatures]

CONVENTION POUR LE RÈGLEMENT PACIFIQUE DES CONFLITS INTERNATIONAUX

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Ma-

CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China;

jesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des États-Unis d'Amérique; le Président des États-Unis Mexicains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves etc.; Sa Majesté le Roi de Roumaine; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; le Conseil Fédéral Suisse; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie

His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

Animés de la ferme volonté de concourir au maintien de la paix générale;

Résolus à favoriser de tous

Animated by a strong desire to concert for the maintenance of the general peace;

Resolved to second by their

leurs efforts le règlement amiable des conflits internationaux;

Reconnaissant la solidarité qui unit les membres de la société des nations civilisées;

Voulant étendre l'empire du droit et fortifier le sentiment de la justice internationale;

Convaincus que l'institution permanente d'une juridiction arbitrale, accessible à tous, au sein des Puissances indépendantes, peut contribuer efficacement à ce résultat;

Considérant les avantages d'une organisation générale et régulière de la procédure arbitrale;

Estimant, avec l'Auguste Initiateur de la Conférence Internationale de la Paix, qu'il importe de consacrer dans un accord international les principes d'équité et de droit sur lesquels reposent la sécurité des États et le bien-être des peuples;

Désirant conclure une Convention à cet effet, ont nommé pour Leurs Plénipotentiaires, savoir:

[Noms]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

best efforts the friendly settlement of international disputes;

Recognizing the solidarity which unites the members of the society of civilized nations;

Desirous of extending the empire of law, and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Court of Arbitration, accessible to all, in the midst of the independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of arbitral procedure;

Sharing the opinion of the August Initiator of the International Peace Conference that it is expedient to record in an international Agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous of concluding a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

[Names]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

TITRE I. — DU MAINTIEN DE LA PAIX GÉNÉRALE

ARTICLE 1

En vue de prévenir autant que possible le recours à la force dans les rapports entre les États, les Puissances signataires conviennent d'employer tous leurs efforts pour assurer le règlement pacifique des différends internationaux.

TITLE I. — ON THE MAINTENANCE OF THE GENERAL PEACE

ARTICLE 1

With a view to obviating, as far as possible, recourse to force in the relations between States, the Signatory Powers agree to use their best efforts to insure the pacific settlement of international differences.

TITRE II. — DES BONS OFFICES ET DE LA MÉDIATION

ARTICLE 2

En cas de dissentiment grave ou de conflit, avant d'en appeler aux armes, les Puissances signataires conviennent d'avoir recours, en tant que les circonstances le permettront, aux bons offices ou à la médiation d'une ou de plusieurs Puissances amies.

TITLE II. — ON GOOD OFFICES AND MEDIATION

ARTICLE 2

In case of serious disagreement or conflict, before an appeal to arms, the Signatory Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ARTICLE 3

Indépendamment de ce recours, les Puissances signataires jugent utile qu'une ou plusieurs Puissances étrangères au conflit offrent de leur propre initiative, en tant qui les circonstances s'y prêtent, leurs bons offices ou leur médiation aux États en conflit.

Le droit d'offrir les bons offices ou la médiation appartient aux Puissances étrangères au conflit, même pendant le cours des hostilités.

ARTICLE 3

Independently of this recourse, the Signatory Powers recommend that one or more Powers, strangers to the dispute, should, on their own initiative, and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities.

L'exercice de ce droit ne peut jamais être considéré par l'une ou l'autre des Parties en litige comme un acte peu amical.

ARTICLE 4

Le rôle de médiateur consiste à concilier les prétentions opposées et à apaiser les ressentiments qui peuvent s'être produits entre les États en conflit.

ARTICLE 5

Les fonctions de médiateur cessent du moment où il est constaté, soit par l'une des Parties en litige, soit par le médiateur lui-même, que les moyens de conciliation proposés par lui ne sont pas acceptés.

ARTICLE 6

Les bons offices et la médiation, soit sur le recours des Parties en conflit, soit sur l'initiative des Puissances étrangères au conflit, ont exclusivement le caractère de conseil et n'ont jamais force obligatoire.

ARTICLE 7

L'acceptation de la médiation ne peut avoir pour effet, sauf convention contraire, d'interrompre, de retarder ou d'entraver la mobilisation et autres mesures préparatoires à la guerre.

Si elle intervient après l'ouverture des hostilités, elle n'interrompt pas, sauf convention con-

The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act.

ARTICLE 4

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ARTICLE 5

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute, or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE 6

Good offices and mediation, either at the request of the parties at variance, or on the initiative of Powers strangers to the dispute, have exclusively the character of advice and never have binding force.

ARTICLE 7

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If mediation occurs after the commencement of hostilities, it causes no interruption to the mili-

traire, les opérations militaires en cours.

ARTICLE 8

Les Puissances signataires sont d'accord pour recommander l'application, dans les circonstances qui le permettent, d'une médiation spéciale sous la forme suivante:

En cas de différend grave compromettant la paix, les États en conflit choisissent respectivement une Puissance à laquelle ils confient la mission d'entrer en rapport direct avec la Puissance choisie d'autre part, à l'effet de prévenir la rupture des relations pacifiques.

Pendant la durée de ce mandat dont le terme, sauf stipulation contraire, ne peut excéder trente jours, les États en litige cessent tout rapport direct au sujet du conflit, lequel est considéré comme déféré exclusivement aux Puissances médiatrices. Celles-ci doivent appliquer tous leurs efforts à régler le différend.

En cas de rupture effective des relations pacifiques, ces Puissances demeurent chargées de la mission commune de profiter de toute occasion pour rétablir la paix.

TITRE III. — DES COMMISSIONS INTERNATIONALES D'ENQUÊTE

ARTICLE 9

Dans les litiges d'ordre inter-

tary operations in progress, unless there be an agreement to the contrary.

ARTICLE 8

The Signatory Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

In case of a serious difference endangering the peace, the States at variance choose respectively a Power, to whom they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, can not exceed thirty days, the States in conflict cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, who must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

TITLE III. — ON INTERNATIONAL COMMISSIONS OF INQUIRY

ARTICLE 9

In differences of an inter-

national n'engageant ni l'honneur ni des intérêts essentiels et provenant d'une divergence d'appréciation sur des points de fait, les Puissances signataires jugent utile que les Parties qui n'auraient pu se mettre d'accord par les voies diplomatiques instituent, en tant que les circonstances le permettront, une Commission internationale d'enquête chargée de faciliter la solution de ces litiges en éclaircissant, par un examen impartial et consciencieux, les questions de fait.

national nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the Signatory Powers recommend that the parties who have not been able to come to an agreement by means of diplomacy should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these differences by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10

Les Commissions internationales d'enquête sont constituées par convention spéciale entre les Parties en litige.

La Convention d'enquête précise les faits à examiner et l'étendue des pouvoirs des Commissaires.

Elle règle la procédure.

L'enquête a lieu contradictoirement.

La forme et les délais à observer, en tant qu'ils ne sont pas fixés par la Convention d'enquête, sont déterminés par la Commission elle-même.

ARTICLE 10

The International Commissions of Inquiry are constituted by special agreement between the parties in conflict.

The Convention for an inquiry defines the facts to be examined and the extent of the Commissioners' powers.

It settles the procedure.

On the inquiry both sides must be heard.

The form and the periods to be observed, if not stated in the inquiry Convention, are decided by the Commission itself.

ARTICLE 11

Les Commissions internationales d'enquête sont formées, sauf stipulation contraire, de la ma-

ARTICLE 11

The International Commissions of Inquiry are formed, unless otherwise stipulated, in

nière déterminée par l'article 32 de la présente Convention.

ARTICLE 12

Les Puissances en litige s'engagent à fournir à la Commission internationale d'enquête, dans la plus large mesure qu'Elles jugeront possible, tous les moyens et toutes les facilités nécessaires pour la connaissance complète et l'appréciation exacte des faits en question.

ARTICLE 13

La Commission internationale d'enquête présente aux Puissances en litige son rapport signé par tous les membres de la Commission.

ARTICLE 14

Le rapport de la Commission internationale d'enquête, limité à la constatation des faits, n'a nullement le caractère d'une Sentence arbitrale. Il laisse aux Puissances en litige une entière liberté pour la suite à donner à cette constatation.

TITRE IV. — DE L'ARBITRAGE INTERNATIONAL

CHAPITRE I. — *De la Justice arbitrale*

ARTICLE 15

L'arbitrage international a pour objet le règlement de litiges entre les États par des juges de

the manner fixed by article 32 of the present Convention.

ARTICLE 12

The Powers in dispute engage to supply the International Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to be completely acquainted with and to accurately understand the facts in question.

ARTICLE 13

The International Commission of Inquiry communicates its report to the conflicting Powers, signed by all the members of the Commission.

ARTICLE 14

The report of the International Commission of Inquiry is limited to a statement of facts, and has in no way the character of an Arbitral Award. It leaves the conflicting Powers entire freedom as to the effect to be given to this statement.

TITLE IV. — ON INTERNATIONAL ARBITRATION

CHAPTER I. — *On the System of Arbitration*

ARTICLE 15

International arbitration has for its object the settlement of differences between States by

leur choix et sur la base du respect du droit.

ARTICLE 16

Dans les questions d'ordre juridique, et en premier lieu dans les questions d'interprétation ou d'application des Conventions internationales, l'arbitrage est reconnu par les Puissances signataires comme le moyen le plus efficace et en même temps le plus équitable de régler les litiges qui n'ont pas été résolus par les voies diplomatiques.

ARTICLE 17

La Convention d'arbitrage est conclue pour des contestations déjà nées ou pour des contestations éventuelles.

Elle peut concerner tout litige ou seulement les litiges d'une catégorie déterminée.

ARTICLE 18

La Convention d'arbitrage implique l'engagement de se soumettre de bonne foi à la Sentence arbitrale.

ARTICLE 19

Indépendamment des Traités généraux ou particuliers qui stipulent actuellement l'obligation du recours à l'arbitrage pour les Puissances signataires, ces Puissances se réservent de conclure, soit avant la ratification du présent Acte, soit postérieure-

judges of their own choice, and on the basis of respect for law.

ARTICLE 16

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Signatory Powers as the most effective, and at the same time the most equitable, means of settling disputes which diplomacy has failed to settle.

ARTICLE 17

The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

ARTICLE 18

The Arbitration Convention implies the engagement to submit loyally to the Award.

ARTICLE 19

Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Signatory Powers, these Powers reserve to themselves the right of concluding, either before the ratification of the present Act or later,

ment, des Accords nouveaux, généraux ou particuliers, en vue d'étendre l'arbitrage obligatoire à tous les cas qu'Elles jugeront possible de lui soumettre.

CHAPITRE II. — *De la Cour permanente d'arbitrage*

ARTICLE 20

Dans le but de faciliter le recours immédiat à l'arbitrage pour les différends internationaux qui n'ont pu être réglés par la voie diplomatique, les Puissances signataires s'engagent à organiser une Cour permanente d'arbitrage, accessible en tout temps et fonctionnant, sauf stipulation contraire des Parties, conformément aux Règles de procédure insérées dans la présente Convention.

ARTICLE 21

La Cour permanente sera compétente pour tous les cas d'arbitrage, à moins qu'il n'y ait entente entre les Parties pour l'établissement d'une juridiction spéciale.

ARTICLE 22

Un Bureau international établi à La Haye sert de greffe à la Cour.

Ce Bureau est l'intermédiaire des communications relatives aux réunions de celle-ci.

Il a la garde des Archives et la gestion de toutes les affairs administratives.

new Agreements, general or private, with a view to extending obligatory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II. — *On the Permanent Court of Arbitration*

ARTICLE 20

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Signatory Powers undertake to organize a permanent Court of Arbitration, accessible at all times and operating, unless otherwise stipulated by the parties, in accordance with the Rules of Procedure inserted in the present Convention.

ARTICLE 21

The Permanent Court shall be competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

ARTICLE 22

An International Bureau, established at The Hague, serves as record office for the Court.

This Bureau is the channel for communications relative to the meetings of the Court.

It has the custody of the archives and conducts all the administrative business.

Les Puissances signataires s'engagent à communiquer au Bureau international de La Haye, une copie certifiée conforme de toute stipulation d'arbitrage intervenue entre elles et de toute sentence arbitrale les concernant et rendue par des juridictions spéciales.

Elles s'engagent à communiquer de même au Bureau, les Lois, Règlements et Documents constatant éventuellement l'exécution des sentences rendues par la Cour.

The Signatory Powers undertake to communicate to the International Bureau at The Hague a duly certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by special Tribunals.

They undertake also to communicate to the Bureau the Laws, Regulations, and Documents eventually showing the execution of the awards given by the Court.

ARTICLE 23

Chaque Puissance signataire désignera, dans les trois mois qui suivront la ratification par elle du présente Acte, quatre personnes au plus, d'une compétence reconnue dans les questions de droit international, jouissant de la plus haute considération morale et disposées à accepter les fonctions d'Arbitres.

Les personnes ainsi désignées seront inscrites, au titre de Membres de la Cour, sur une liste qui sera notifiée à toutes les Puissances signataires par les soins du Bureau.

Toute modification à la liste des Arbitres est portée, par les soins du Bureau, à la connaissance des Puissances signataires.

Deux ou plusieurs Puissances

ARTICLE 23

Within the three months following its ratification of the present Act, each Signatory Power shall select four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrators.

The persons thus selected shall be inscribed, as Members of the Court, in a list which shall be notified by the Bureau to all the Signatory Powers.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Signatory Powers.

Two or more Powers may agree

peuvent s'entendre pour la désignation en commun d'un ou de plusieurs Membres.

La même personne peut être désignée par des Puissances différentes.

Les Membres de la Cour sont nommés pour un terme de six ans. Leur mandat peut être renouvelé.

En cas de décès ou de retraite d'un Membre de la Cour, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

ARTICLE 24

Lorsque les Puissances signataires veulent s'adresser à la Cour permanente pour le règlement d'un différend survenu entre elles, le choix des Arbitres appelés à former le Tribunal compétent pour statuer sur ce différend, doit être fait dans la liste générale des Membres de la Cour.

A défaut de constitution du Tribunal arbitral par l'accord immédiat des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux Arbitres et ceux-ci choisissent ensemble un Surarbitre.

En cas de partage des voix, le choix de Surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce

on the selection in common of one or more Members.

The same person can be selected by different Powers.

The Members of the Court are appointed for a term of six years. Their appointments can be renewed.

In case of the death or retirement of a Member of the Court, his place shall be filled in accordance with the method of his appointment.

ARTICLE 24

When the Signatory Powers desire to have recourse to the Permanent Court for the settlement of a difference that has arisen between them, the Arbitrators called upon to form the competent Tribunal to decide this difference must be chosen from the general list of Members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:

Each party appoints two Arbitrators, and these together choose an Umpire.

If the votes are equal, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived

sujet, chaque Partie désigne une Puissance différente et le choix du Surarbitre est fait de concert par les Puissances ainsi désignées.

Le Tribunal étant ainsi composé, les Parties notifient au Bureau leur décision de s'adresser à la Cour et les noms des Arbitres.

Le Tribunal arbitral se réunit à la date fixée par les Parties.

Les Membres de la Cour, dans l'exercice de leurs fonctions et en dehors de leur Pays, jouissent des privilèges et immunités diplomatiques.

ARTICLE 25

Le Tribunal arbitral siège d'ordinaire à La Haye.

Le siège ne peut, sauf le cas de force majeure, être changé par le Tribunal que de l'assentiment des Parties.

ARTICLE 26

Le Bureau international de La Haye est autorisé à mettre ses locaux et son organisation à la disposition des Puissances signataires pour le fonctionnement de toute juridiction spéciale d'arbitrage.

La juridiction de la Cour permanente peut être étendue, dans les conditions prescrites par les Règlements, aux litiges existant

at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court and the names of the Arbitrators.

The Tribunal of Arbitration assembles on the date fixed by the parties.

The Members of the Court, in the discharge of their duties and out of their own country, enjoy diplomatic privileges and immunities.

ARTICLE 25

The Tribunal of Arbitration has its ordinary seat at The Hague.

Except in cases of necessity, the place of session can only be altered by the Tribunal with the assent of the parties.

ARTICLE 26

The International Bureau at The Hague is authorized to place its premises and its staff at the disposal of the Signatory Powers for the operations of any special Board of Arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the Regulations, be extended to disputes

entre des Puissances non signataires ou entre des Puissances signataires et des Puissances non signataires, si les Parties sont convenues de recourir à cette juridiction.

between non-Signatory Powers, or between Signatory Powers and non-Signatory Powers, if the parties are agreed on recourse to this Tribunal.

ARTICLE 27

Les Puissances signataires considèrent comme un devoir, dans le cas où un conflit aigu menacerait d'éclater entre deux ou plusieurs d'entre Elles, de rappeler à celles-ci que la Cour permanente leur est ouverte.

En conséquence, Elles déclarent que le fait de rappeler aux Parties en conflit les dispositions de la présente Convention, et le conseil donné, dans l'intérêt supérieur de la paix, de s'adresser à la Cour permanente, ne peuvent être considérés que comme actes de Bons Offices.

ARTICLE 27

The Signatory Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

ARTICLE 28

Un Conseil administratif permanent, composé des représentants diplomatiques des Puissances signataires accrédités à La Haye et du Ministre des Affaires Étrangères des Pays-Bas qui remplira les fonctions de Président, sera constitué dans cette ville le plus tôt possible après la ratification du présent Acte par neuf Puissances au moins.

Ce Conseil sera chargé d'établir et d'organiser le Bureau international, lequel demeurera

ARTICLE 28

A Permanent Administrative Council, composed of the Diplomatic Representatives of the Signatory Powers accredited to The Hague and of the Netherlands Minister for Foreign Affairs, who will act as President, shall be instituted in this town as soon as possible after the ratification of the present Act by at least nine Powers.

This Council will be charged with the establishment and organization of the International Bu-

sous sa direction et sous son contrôle.

Il notifiera aux Puissances la constitution de la Cour et pourvoira à l'installation de celle-ci.

Il arrêtera son règlement d'ordre ainsi que tous autres règlements nécessaires.

Il décidera toutes les questions administratives qui pourraient surgir touchant le fonctionnement de la Cour.

Il aura tout pouvoir quant à la nomination, la suspension ou la révocation des fonctionnaires et employés du Bureau.

Il fixera les traitements et salaires et contrôlera la dépense générale.

La présence de cinq membres dans les réunions dûment convoquées suffit pour permettre au Conseil de délibérer valablement. Les décisions sont prises à la majorité des voix.

Le Conseil communique sans délai aux Puissances signataires les règlements adoptés par lui. Il leur adresse chaque année un rapport sur les travaux de la Cour, sur le fonctionnement des services administratifs et sur les dépenses.

ARTICLE 29

Les frais du Bureau seront supportés par les Puissances signataires dans la proportion établie par le Bureau international de l'Union postale universelle.

reau, which will be under its direction and control.

It will notify to the Powers the constitution of the Court and will provide for its installation.

It will settle its Rules of Procedure and all other necessary Regulations.

It will decide all questions of administration which may arise with regard to the operations of the Court.

It will have entire control over the appointment, suspension, or dismissal of the officials and employés of the Bureau.

It will fix the payments and salaries, and control the general expenditure.

At meetings duly summoned the presence of five members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Signatory Powers without delay the Regulations adopted by it. It furnishes them with an annual Report on the labors of the Court, the working of the administration, and the expenses.

ARTICLE 29

The expenses of the Bureau shall be borne by the Signatory Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

CHAPITRE III. — *De la Procédure arbitrale*

ARTICLE 30

En vue de favoriser le développement de l'arbitrage, les Puissances signataires ont arrêté les règles suivantes qui seront applicables à la procédure arbitrale, en tant que les Parties ne sont pas convenues d'autres règles.

ARTICLE 31

Les Puissances qui recourent à l'arbitrage signent un Acte spécial (compromis) dans lequel sont nettement déterminés l'objet du litige ainsi que l'étendue des pouvoirs des Arbitres. Cet Acte implique l'engagement des Parties de se soumettre de bonne foi à la sentence arbitrale.

ARTICLE 32

Les fonctions arbitrales peuvent être conférées à un Arbitre unique ou à plusieurs Arbitres désignés par les Parties à leur gré, ou choisis par Elles parmi les Membres de la Cour permanente d'arbitrage établie par le présent Acte.

A défaut de constitution du Tribunal par l'accord immédiat des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux Arbitres et ceux-ci choisissent ensemble un Surarbitre.

CHAPTER III. — *On Arbitral Procedure*

ARTICLE 30

With a view to encourage the development of arbitration, the Signatory Powers have agreed on the following rules which shall be applicable to arbitral procedure, unless other rules have been agreed on by the parties.

ARTICLE 31

The Powers who have recourse to arbitration sign a special Act ("Compromis"), in which the subject of the difference is clearly defined, as well as the extent of the Arbitrators' powers. This Act implies the undertaking of the parties to submit loyally to the award.

ARTICLE 32

The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the Members of the Permanent Court of Arbitration established by the present Act.

Failing the constitution of the Tribunal by direct agreement between the parties, the following course shall be pursued:

Each party appoints two Arbitrators, and these latter together choose an Umpire.

En cas de partage des voix, le choix de Surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du Surarbitre est fait de concert par les Puissances ainsi désignées.

ARTICLE 33

Lorsqu'un Soverain ou un Chef d'État est choisi pour Arbitre, la procédure arbitrale est réglée par Lui.

ARTICLE 34

Le Surarbitre est de droit Président du Tribunal.

Lorsque le Tribunal ne comprend pas de Surarbitre, il nomme lui-même son Président.

ARTICLE 35

En cas de décès, de démission ou d'empêchement, pour quelque cause que ce soit, de l'un des Arbitres, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

ARTICLE 36

Le siège du Tribunal est désigné par les Parties. A défaut de cette désignation, le Tribunal siège à La Haye.

Le siège ainsi fixé ne peut, sauf le cas de force majeure, être changé par le Tribunal que de l'assentiment des Parties.

In case of equal voting, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If no agreement is arrived at on this subject, each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

ARTICLE 33

When a Sovereign or a Chief of a State is chosen as Arbitrator, the arbitral procedure is settled by him.

ARTICLE 34

The Umpire is by right President of the Tribunal.

When the Tribunal does not include an Umpire, it appoints its own President.

ARTICLE 35

In case of the death, retirement, or disability from any cause of one of the Arbitrators, his place shall be filled in accordance with the method of his appointment.

ARTICLE 36

The Tribunal's place of session is selected by the parties. Failing this selection, the Tribunal sits at The Hague.

The place thus fixed can not, except in case of necessity, be changed by the Tribunal without the assent of the parties.

ARTICLE 37

Les Parties ont le droit de nommer auprès du Tribunal des Délégués ou Agents spéciaux, avec la mission de servir d'intermédiaires entre Elles et le Tribunal.

Elles sont en outre autorisées à charger de la défense de leurs droits et intérêts devant le Tribunal, des conseils ou avocats nommés par Elles à cet effet.

ARTICLE 38

Le Tribunal décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

ARTICLE 39

La procédure arbitrale comprend en règle générale deux phases distinctes: l'instruction et les débats.

L'instruction consiste dans la communication faite par les Agents respectifs, aux Membres du Tribunal et à la Partie adverse, de tous actes imprimés ou écrits et de tous documents contenant les moyens invoqués dans la cause. Cette communication aura lieu dans la forme et dans les délais déterminés par le Tribunal en vertu de l'article 49.

Les débats consistent dans le développement oral des moyens des Parties devant le Tribunal.

ARTICLE 37

The parties have the right to appoint delegates or special agents to attend the Tribunal, for the purpose of serving as intermediaries between them and the Tribunal.

They are further authorized to retain, for the defense of their rights and interests before the Tribunal, counsel or advocates appointed by them for this purpose.

ARTICLE 38

The Tribunal decides on the choice of languages to be used by itself, and to be authorized for use before it.

ARTICLE 39

As a general rule the arbitral procedure comprises two distinct phases: preliminary examination and discussion.

Preliminary examination consists in the communication by the respective agents to the Members of the Tribunal and to the opposite party of all printed or written Acts and of all documents containing the arguments invoked in the case. This communication shall be made in the form and within the periods fixed by the Tribunal in accordance with article 49.

Discussion consists in the oral development before the Tribunal of the arguments of the parties.

ARTICLE 40

Toute pièce produite par l'une des Parties doit être communiquée à l'autre Partie.

ARTICLE 40

Every document produced by one party must be communicated to the other party.

ARTICLE 41

Les débats sont dirigés par le Président.

Ils ne sont publics qu'en vertu d'une décision du Tribunal, prise avec l'assentiment des Parties.

Ils sont consignés dans les procès-verbaux rédigés par des Secrétaires que nomme le Président. Ces procès-verbaux ont seuls caractère authentique.

ARTICLE 41

The discussions are under the direction of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in the *procès-verbaux* drawn up by the Secretaries appointed by the President. These *procès-verbaux* alone have an authentic character.

ARTICLE 42

L'instruction étant close, le Tribunal a le droit d'écarter du débat tous actes ou documents nouveaux qu'une des Parties voudrait lui soumettre sans le consentement de l'autre.

ARTICLE 42

When the preliminary examination is concluded, the Tribunal has the right to refuse discussion of all fresh Acts or documents which one party may desire to submit to it without the consent of the other party.

ARTICLE 43

Le Tribunal demeure libre de prendre en considération les actes ou documents nouveaux sur lesquels les agents ou conseils des Parties appelleraient son attention.

En ce cas, le Tribunal a le droit de requérir la production de ces actes ou documents, sauf l'obligation d'en donner connaissance à la Partie adverse.

ARTICLE 43

The Tribunal is free to take into consideration fresh Acts or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the Tribunal has the right to require the production of these Acts or documents, but is obliged to make them known to the opposite party.

ARTICLE 44

Le Tribunal peut, en outre, requérir des agents des Parties la production de tous actes et demander toutes explications nécessaires. En cas de refus, le Tribunal en prend acte.

ARTICLE 45

Les agents et les conseils des Parties sont autorisés à présenter oralement au Tribunal tous les moyens qu'ils jugent utiles à la défense de leur cause.

ARTICLE 46

Ils ont le droit de soulever des exceptions et incidents. Les décisions du Tribunal sur ces points sont définitives et ne peuvent donner lieu à aucune discussion ultérieure.

ARTICLE 47

Les Membres du Tribunal ont le droit de poser des questions aux agents et aux conseils des Parties et de leur demander des éclaircissements sur les points douteux.

Ni les questions posées, ni les observations faites par les Membres du Tribunal pendant le cours des débats ne peuvent être regardées comme l'expression des opinions du Tribunal en général ou de ses Membres en particulier.

ARTICLE 48

Le Tribunal est autorisé à déterminer sa compétence en inter-

ARTICLE 44

The Tribunal can, besides, require from the agents of the parties the production of all Acts, and can demand all necessary explanations. In case of refusal, the Tribunal takes note of it.

ARTICLE 45

The agents and counsel of the parties are authorized to present orally to the Tribunal all the arguments they may think expedient in defense of their case.

ARTICLE 46

They have the right to raise objections and points. The decisions of the Tribunal on those points are final, and can not form the subject of any subsequent discussion.

ARTICLE 47

The Members of the Tribunal have the right to put questions to the agents and counsel of the parties, and to demand explanations from them on doubtful points.

Neither the questions put nor the remarks made by Members of the Tribunal during the discussions can be regarded as an expression of opinion by the Tribunal in general, or by its Members in particular.

ARTICLE 48

The Tribunal is authorized to declare its competence in inter-

prétant le compromis ainsi que les autres traités qui peuvent être invoqués dans la matière, et en appliquant les principes du droit international.

ARTICLE 49

Le Tribunal a le droit de rendre des ordonnances de procédure pour la direction du procès, de déterminer les formes et délais dans lesquels chaque Partie devra prendre ses conclusions et de procéder à toutes les formalités que comporte l'administration des preuves.

ARTICLE 50

Les agents et les conseils des Parties ayant présenté tous les éclaircissements et preuves à l'appui de leur cause, le Président prononce la clôture des débats.

ARTICLE 51

Les délibérations du Tribunal ont lieu à huis clos.

Toute décision est prise à la majorité des Membres du Tribunal.

Le refus d'un Membre de prendre part au vote doit être constaté dans le procès-verbal.

ARTICLE 52

La sentence arbitrale, votée à la majorité des voix, est motivée. Elle est rédigée par écrit et signée par chacun des Membres du Tribunal.

preting the "Compromis" as well as the other Treaties which may be invoked in the case, and in applying the principles of international law.

ARTICLE 49

The Tribunal has the right to issue Rules of Procedure for the conduct of the case, to decide the forms and periods within which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE 50

When the agents and counsel of the parties have submitted all explanations and evidence in support of their case, the President pronounces the discussion closed.

ARTICLE 51

The deliberations of the Tribunal take place in private.

Every decision is taken by a majority of Members of the Tribunal.

The refusal of a Member to vote must be recorded in the *procès-verbal.*

ARTICLE 52

The award, given by a majority of votes, is accompanied by a statement of reasons. It is drawn up in writing and signed by each Member of the Tribunal.

Ceux des Membres qui sont restés en minorité peuvent constater, en signant, leur dissentiment.

ARTICLE 53

La sentence arbitrale est lue en séance publique du Tribunal, les agents et les conseils de Parties présents ou dûment appelés.

ARTICLE 54

La sentence arbitrale, dûment prononcée et notifiée aux agents des Parties en litige, décide définitivement et sans appel la contestation.

ARTICLE 55

Les Parties peuvent se réserver dans le compromis de demander la revision de la sentence arbitrale.

Dans ce cas, et sauf convention contraire, la demande doit être adressée au Tribunal qui a rendu la sentence. Elle ne peut être motivée que par la découverte d'un fait nouveau qui eût été de nature à exercer une influence décisive sur la sentence et qui, lors de la clôture des débats, était inconnu du Tribunal lui-même et de la Partie qui a demandé la revision.

La procédure de revision ne peut être ouverte que par une décision du Tribunal constatant expressément l'existence du fait nouveau, lui reconnaissant les caractères prévus par le para-

Those Members who are in the minority may record their dissent when signing.

ARTICLE 53

The award is read out at a public meeting of the Tribunal, the agents and counsel of the parties being present, or duly summoned to attend.

ARTICLE 54

The award, duly pronounced and notified to the agents of the parties at variance, puts an end to the dispute definitely and without appeal.

ARTICLE 55

The parties can reserve in the "Compromis" the right to demand the revision of the award.

In this case, and unless there be an agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence on the award, and which, at the time the discussion was closed, was unknown to the Tribunal and to the party demanding the revision.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the foregoing para-

graphe précédent et déclarant à ce titre la demande recevable.

Le compromis détermine le délai dans lequel la demande de revision doit être formée.

ARTICLE 56

La sentence arbitrale n'est obligatoire que pour les Parties qui ont conclu le compromis.

Lorsqu'il s'agit de l'interprétation d'une convention à laquelle ont participé d'autres Puissances que les Parties en litige, celles-ci notifient aux premières le compromis qu'elles ont conclu. Chacune de ces Puissances a le droit d'intervenir au procès. Si une ou plusieurs d'entre Elles ont profité de cette faculté, l'interprétation contenue dans la sentence est également obligatoire à leur égard.

ARTICLE 57

Chaque Partie supporte ses propres frais et une part égale des frais du Tribunal.

DISPOSITIONS GÉNÉRALES

ARTICLE 58

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée

graph, and declaring the demand admissible on this ground.

The "Compromis" fixes the period within which the demand for revision must be made.

ARTICLE 56

The award is only binding on the parties who concluded the "Compromis."

When there is a question of interpreting a Convention to which Powers other than those concerned in the dispute are parties, the latter notify to the former the "Compromis" they have concluded. Each of these Powers has the right to intervene in the case. If one or more of them avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE 57

Each party pays its own expenses and an equal share of those of the Tribunal.

GENERAL PROVISIONS

ARTICLE 58

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy duly

conforme, sera remise par la voie diplomatique à toutes les Puissances qui ont été représentées à la Conférence Internationale de la Paix de La Haye.

certified shall be sent, through the diplomatic channel, to all the Powers who were represented at the International Peace Conference at The Hague.

ARTICLE 59

Les Puissances non signataires qui ont été représentées à la Conférence Internationale de la Paix pourront adhérer à la présente Convention. Elles auront à cet effet à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

ARTICLE 59

The non-Signatory Powers who were represented at the International Peace Conference can adhere to the present Convention. For this purpose they must make known their adhesion to the Contracting Powers by a written notification addressed to the Netherlands Government, and communicated by it to all the other Contracting Powers.

ARTICLE 60

Les conditions auxquelles les Puissances qui n'ont pas été représentées à la Conférence Internationale de la Paix pourront adhérer à la présente Convention formeront l'objet d'une entente ultérieure entre les Puissances contractantes.

ARTICLE 60

The conditions on which the Powers who were not represented at the International Peace Conference can adhere to the present Convention shall form the subject of a subsequent Agreement among the Contracting Powers.

ARTICLE 61

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée

ARTICLE 61

In the event of one of the High Contracting Parties denouncing the present Convention, this denunciation would not take effect until a year after its notification made in writing to the Netherlands Government, and by it

immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Convention et l'ont revêtue de leurs sceaux.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas, et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

[Signatures]

communicated at once to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals to it.

Done at The Hague, the 29th July, 1899, in a single copy, which shall remain in the archives of the Netherlands Government, and copies of it, duly certified, be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

CONVENTION CONCERNANT LES LOIS ET COUTUMES DE LA GUERRE SUR TERRE

Sa Majesté l'Empereur d'Allemagne, Roi de Pruisse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie; Sa Majesté le Roi de Belges; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des États-Unis d'Amérique; le Président des États-Unis Mexicains; le Président de la République Francaise; Sa Ma-

CONVENTION WITH RESPECT TO THE LAWS AND CUSTOMS OF WAR ON LAND

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America; the President of the United Mexican States; the President of the

jesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince de Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves etc.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie

French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc. His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria

Considérant que, tout en recherchant les moyens de sauvegarder la paix et de prévenir les conflits armés entre les nations, il importe de se préoccuper également du cas où l'appel aux armes serait amené par des événements que Leur sollicitude n'aurait pu détourner;

Considering that, while seeking means to preserve peace and prevent armed conflicts among nations, it is likewise necessary to have regard to cases where an appeal to arms may be caused by events which their solicitude could not avert;

Animés du désir de servir encore, dans cette hypothèse extrême, les intérêts de l'humanité et les exigences progressives de la civilization;

Animated by the desire to serve, even in this extreme hypothesis, the interests of humanity and the ever increasing requirements of civilization;

Estimant qu'il importe, à cette fin, de reviser les lois et coutumes générales de la guerre, soit dans le but de les définir avec plus de précision, soit afin d'y tracer certaines limites destinées à en restreindre, autant que possible, les rigueurs;

S'inspirant de ces vues recommandées aujourd'hui, comme il y a vingt-cinq ans, lors de la Conférence de Bruxelles de 1874, par une sage et généreuse prévoyance;

Ont, dans cet esprit, adopté un grand nombre de dispositions qui ont pour objet de définir et de régler les usages de la guerre sur terre.

Selon les vues des Hautes Parties contractantes, ces dispositions, dont la rédaction a été inspirée par le désir de diminuer les maux de la guerre, autant que les nécessités militaires le permettent, sont destinées à servir de règle générale de conduite aux belligérants, dans leurs rapports entre eux et avec les populations.

Il n'a pas été possible, toutefois, de concerter dès maintenant des stipulations s'étendant à toutes les circonstances qui se présentent dans la pratique.

D'autre part, il ne pouvait entrer dans les intentions des Hautes Parties contractantes que les cas non prévus fussent, faute

Thinking it important, with this object, to revise the laws and general customs of war, either with the view of defining them more precisely, or of laying down certain limits for the purpose of modifying their severity as far as possible;

Inspired by these views which are enjoined at the present day, as they were twenty-five years ago at the time of the Brussels Conference in 1874, by a wise and generous foresight;

Have, in this spirit, adopted a great number of provisions, the object of which is to define and govern the usages of war on land.

In view of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war so far as military necessities permit, are destined to serve as general rules of conduct for belligerents in their relations with each other and with populations.

It has not, however, been possible to agree forthwith on provisions embracing all the circumstances which occur in practice.

On the other hand, it could not be intended by the High Contracting Parties that the cases not provided for should, for

de stipulation écrite, laissées à l'appréciation arbitraire de ceux qui dirigent les armées.

En attendant qu'un code plus complet des lois de la guerre puisse être édicté, les Hautes Parties contractantes jugent opportun de constater que, dans les cas non compris dans les dispositions réglementaires adoptées par Elles, les populations et les belligérants restent sous la sauveguarde et sous l'empire des principes du droit des gens, tels qu'ils résultent des usages établis entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

Elles déclarent que c'est dans ce sens que doivent s'entendre notamment les articles 1 et 2 du Règlement adopté.

Les Hautes Parties contractantes, désirant conclure une Convention à cet effet, ont nommé pour Leurs Plénipotentiaires, savoir:

[Noms]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

ARTICLE 1

Les Hautes Parties contractantes donneront à leurs forces

want of a written provision, be left to the arbitrary judgment of the military Commanders.

Until a more complete code of the laws of war is issued, the High Contracting Parties think it right to declare that in cases not included in the Regulations adopted by them, populations and belligerents remain under the protection and empire of the principles of international law, as they result from the usages established between civilized nations, from the laws of humanity, and the requirements of the public conscience.

They declare that it is in this sense especially that articles 1 and 2 of the Regulations adopted must be understood;

The High Contracting Parties, desiring to conclude a Convention to this effect, have appointed as their Plenipotentiaries, to wit:

[Names]

Who, after communication of their full powers, found in good and due form, have agreed on the following:

ARTICLE 1

The High Contracting Parties shall issue instructions to their

armées de terre des instructions qui seront conformes au *Règlement concernant les lois et coutumes de la guerre sur terre*, annexé à la présente Convention.

ARTICLE 2

Les dispositions contenues dans le Règlement visé à l'article premier ne sont obligatoires que pour les Puissances contractantes, en cas de guerre entre deux ou plusieurs d'entre Elles.

Ces dispositions cesseront d'être obligatoires du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

ARTICLE 3

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances contractantes.

ARTICLE 4

Les Puissances non signataires sont admises à adhérer à la présente Convention.

Elles auront, à cet effet, à faire connaître leur adhesion aux

armed land forces, which shall be in conformity with the "Regulations respecting the Laws and Customs of War on Land" annexed to the present Convention.

ARTICLE 2

The provisions contained in the Regulation mentioned in article 1 are only binding on the Contracting Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between Contracting Powers, a non-Contracting Power joins one of the belligerents.

ARTICLE 3

The present Convention shall be ratified as speedily as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of each ratification, and a copy, duly certified, shall be sent, through the diplomatic channel, to all the Contracting Powers.

ARTICLE 4

Non-Signatory Powers are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the

Puissances contractantes, au moyen d'une notification écrite, adressé au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

Article 5

S'il arrivait qu'une des Hautes Parties contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé le présente Convention et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

Contracting Powers by means of a written notification, addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

Article 5

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation would not take effect until a year after the written notification made to the Netherlands Government, and by it at once communicated to all the other Contracting Powers.

This denunciation shall affect only the notifying Power.

In faith of which the Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and copies of which, duly certified, shall be delivered to the Contracting Powers through the diplomatic channel.

ANNEXE À LA CONVENTION

RÈGLEMENT CONCERNANT LES LOIS ET COUTUMES DE LA GUERRE SUR TERRE

SECTION I. — Des Belligérants

Chapitre I. — *De la qualité de belligérant*

Article 1

Les lois, les droits et les devoirs de la guerre ne s'appliquent pas seulement à l'armée, mais encore aux milices et aux corps de volontaires réunissant les conditions suivantes:

1. d'avoir à leur tête une personne responsable pour ses subordonnés;

2. d'avoir un signe distinctif fixe et reconnaissable à distance;

3. de porter les armes ouvertement et

4. de se conformer dans leurs opérations aux lois et coutumes de la guerre.

Dans les pays où les milices ou des corps de volontaires constituent l'armée ou en font partie, ils sont compris sous la dénomination *d'armée*.

Article 2

La population d'un territoire non occupé qui, à l'approche de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion sans avoir eu le temps de s'organiser conformément à l'article premier,

ANNEX TO THE CONVENTION

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I. — On Belligerents

Chapter I. — *On the Qualifications of Belligerents*

Article 1

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps, fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;

2. To have a fixed distinctive emblem recognizable at a distance;

3. To carry arms openly; and

4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

Article 2

The population of a territory which has not been occupied who, on the enemy's approach, spontaneously take up arms to resist the invading troops without having time to organize themselves in accordance with article 1,

sera considérée comme belligérante si elle respecte les lois et coutumes de la guerre.

ARTICLE 3

Les forces armées des parties belligérantes peuvent se composer de combattants et de non-combattants. En cas de capture par l'ennemi, les uns et les autres ont droit au traitement des prisonniers de guerre.

CHAPITRE II. — *Des prisonniers de guerre*

ARTICLE 4

Les prisonniers de guerre sont au pouvoir du Gouvernement ennemi, mais non des individus ou des corps qui les ont capturés.

Ils doivent être traités avec humanité.

Tout ce qui leur appartient personnellement, excepté les armes, les chevaux et les papiers militaires, reste leur propriété.

ARTICLE 5

Les prisonniers de guerre peuvent être assujettis à l'internement dans une ville, forteresse, camp ou localité quelconque, avec obligation de ne pas s'en éloigner au delà de certaines limites déterminées; mais ils ne peuvent être enfermés que par mesure de sûreté indispensable.

shall be regarded a belligerent if they respect the laws and customs of war.

ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and non-combatants. In case of capture by the enemy both have a right to be treated as prisoners of war.

CHAPTER II. — *On Prisoners of War*

ARTICLE 4

Prisoners of war are in the power of the hostile Government, but not in that of the individuals or corps who captured them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or any other locality, and bound not to go beyond certain fixed limits; but they can only be confined as an indispensable measure of safety.

ARTICLE 6

L'État peut employer, comme travailleurs, les prisonniers de guerre, selon leur grade et leurs aptitudes. Ces travaux ne seront pas excessifs et n'auront aucun rapport avec les opérations de la guerre.

Les prisonniers peuvent être autorisés à travailler pour le compte d'administrations publiques ou de particuliers, ou pour leur propre compte.

Les travaux faits pour l'État sont payés d'après les tarifs en vigueur pour les militaires de l'armée nationale exécutant les mêmes travaux.

Lorsque les travaux ont lieu pour le compte d'autres administrations publiques ou pour des particuliers, les conditions en sont réglées d'accord avec l'autorité militaire.

Le salaire des prisonniers contribuera à adoucir leur position, et le surplus leur sera compté au moment de leur libération, sauf défalcation des frais d'entretien.

ARTICLE 6

The State may utilize the labor of prisoners of war according to their rank and aptitude. Their tasks shall not be excessive, and shall have nothing to do with the military operations.

Prisoners may be authorized to work for the Public Service, for private persons, or on their own account.

Work done for the State shall be paid for according to the tariffs in force for soldiers of the national army employed on similar tasks.

When the work is for other branches of the Public Service or for private persons, the conditions shall be settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them at the time of their release, after deducting the cost of their maintenance.

ARTICLE 7

Le Gouvernement au pouvoir duquel se trouvent les prisonniers de guerre est chargé de leur entretien.

A défaut d'une entente spéciale entre les belligérants, les prisonniers de guerre seront traités,

ARTICLE 7

The Government into whose hands prisoners of war have fallen is bound to maintain them.

Failing a special agreement between the belligerents, prisoners of war shall be treated as

pour la nourriture, le couchage et l'habillement, sur le même pied que les troupes du Gouvernement qui les aura capturés.

ARTICLE 8

Les prisonniers de guerre seront soumis aux lois, règlements, et orders en vigueur dans l'armée de l'État au pouvoir duquel ils se trouvent.

Tout acte d'insubordination autorise, à leur égard, les mesures de rigueur nécessaires.

Les prisonniers évadés, qui seraient repris avant d'avoir pu rejoindre leur armée ou avant de quitter le territoire occupé par l'armée qui les aura capturés, sont passibles de peines disciplinaires.

Les prisonniers qui, après avoir réussi à s'évader, sont de nouveau faits prisonniers, ne sont passibles d'aucune peine pour la fuite antérieure.

ARTICLE 9

Chaque prisonnier de guerre est tenu de déclarer, s'il est interrogé à ce sujet, ses véritables noms et grade et, dans le cas où il enfreindrait cette règle, il s'exposerait à une restriction des avantages accordés aux prisonniers de guerre de sa catégorie.

ARTICLE 10

Les prisonniers de guerre

regards food, quarters, and clothing, on the same footing as the troops of the Government which has captured them.

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State into whose hands they have fallen.

Any act of insubordination warrants the adoption, as regards them, of such measures of severity as may be necessary.

Escaped prisoners, recaptured before they have succeeded in rejoining their army, or before quitting the territory occupied by the army that captured them, are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment for the previous flight.

ARTICLE 9

Every prisoner of war, if questioned, is bound to declare his true name and rank, and if he disregards this rule, he is liable to a curtailment of the advantages accorded to the prisoners of war of his class.

ARTICLE 10

Prisoners of war may be set

peuvent être mis en liberté sur parole, si les lois de leur pays les y autorisent, et, en pareil cas, ils sont obligés, sous la garantie de leur honneur personnel, de remplir scrupuleusement, tant vis-à-vis de leur propre Gouvernement que vis-à-vis de celui qui les a faits prisonniers, les engagements qu'ils auraient contractés.

Dans le même cas, leur propre Gouvernement est tenu de n'exiger ni accepter d'eux aucun service contraire à la parole donnée.

ARTICLE 11

Un prisonnier de guerre ne peut être constraint d'accepter sa liberté sur parole; de même le Gouvernement ennemi n'est pas obligé d'accéder à la demande du prisonnier réclamant sa mise en liberté sur parole.

ARTICLE 12

Tout prisonnier de guerre, libéré sur parole et repris portant les armes contre le Gouvernement envers lequel il s'était engagé d'honneur, ou contre les alliés de celui-ci, perd le droit au traitement des prisonniers de guerre et peut être traduit devant les tribunaux.

ARTICLE 13

Les individus qui suivent une armée sans en faire directement partie, tels que les correspondants et les reporters de jour-

at liberty on parole if the laws of their country authorize it, and, in such a case, they are bound, on their personal honor, scrupulously to fulfill, both as regards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases, their own Government shall not require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war can not be forced to accept his liberty on parole; similarly the hostile Government is not obliged to assent to the prisoner's request to be set at liberty on parole.

ARTICLE 12

Any prisoner of war, who is liberated on parole and recaptured, bearing arms against the Government to whom he had pledged his honor, or against the allies of that Government, forfeits his right to be treated as a prisoner of war, and can be brought before the Courts.

ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sut-

naux, les vivandiers, les fournisseurs, qui tombent au pouvoir de l'ennemi et que celui-ci juge utile de détenir, ont droit au traitement des prisonniers de guerre, à condition qu'ils soient munis d'une légitimation de l'autorité militaire de l'armée qu'ils accompagnaient.

ARTICLE 14

Il est constitué, dès le début des hostilités, dans chacun des États belligérants et, le cas échéant, dans les pays neutres qui auront recueilli des belligérants sur leur territoire, un Bureau de renseignements sur les prisonniers de guerre. Ce bureau, chargé de répondre à toutes les demandes qui les concernent, reçoit des divers services compétents toutes les indications nécessaires pour lui permettre d'établir une fiche individuelle pour chaque prisonnier de guerre. Il est tenu au courant des internements et des mutations, ainsi que des entrées dans les hôpitaux et des décès.

Le Bureau de renseignements est également chargé de recueillir et de centraliser tous les objets d'un usage personnel, valeurs, lettres, etc., qui seront trouvés sur les champs de bataille ou délaissés par des prisonniers décédés dans les hôpitaux et ambulances, et de les transmettre aux intéressés.

lers, contractors, who fall into the enemy's hands, and whom the latter think fit to detain, have a right to be treated as prisoners of war, provided they can produce a certificate from the military authorities of the army they were accompanying.

ARTICLE 14

A bureau for information relative to prisoners of war is instituted, on the commencement of hostilities, in each of the belligerent States, and, when necessary, in the neutral countries on whose territory belligerents have been received. This Bureau is intended to answer all inquiries about prisoners of war, and is furnished by the various services concerned with all the necessary information to enable it to keep an individual return for each prisoner of war. It is kept informed of internments and changes, as well as of admissions into hospitals and deaths.

It is also the duty of the Information Bureau to receive and collect all objects of personal use, valuables, letters, etc., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested.

ARTICLE 15

Les sociétés de secours pour les prisonniers de guerre, régulièrement constituées selon la loi de leur pays et ayant pour objet d'être les intermédiaires de l'action charitable, recevront, de la part des belligérants, pour elles et pour leurs agents dûment accrédités, toute facilité, dans les limites tracées par les nécessités militaires et les règles administratives, pour accomplir efficacement leur tâche d'humanité. Les délégués de ces sociétés pourront être admis à distribuer des secours dans les dépôts d'internement, ainsi qu'aux lieux d'étape des prisonniers rapatriés, moyennant une permission personnelle délivrée par l'autorité militaire, et en prenant l'engagement par écrit de se soumettre à toutes les mesures d'ordre et de police que celle-ci prescrirait.

ARTICLE 15

Relief Societies for prisoners of war, which are regularly constituted in accordance with the law of the country with the object of serving as the intermediary for charity, shall receive from the belligerents for themselves and their duly accredited agents every facility, within the bounds of military requirements and Administrative Regulations, for the effective accomplishment of their humane task. Delegates of these Societies may be admitted to the places of internment for the distribution of relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an engagement in writing to comply with all their Regulations for order and police.

ARTICLE 16

Les Bureaux de renseignements jouissent de la franchise de port. Les lettres, mândats et articles d'argent, ainsi que les colis postaux destinés aux prisonniers de guerre ou expédiés par eux, seront affranchis de toutes taxes postales, aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires.

Les dons et secours en nature

ARTICLE 16

The Information Bureau shall have the privilege of free postage. Letters, money orders, and valuables, as well as postal parcels destined for the prisoners of war or dispatched by them, shall be free of all postal duties both in the countries of origin and destination, as well as in those they pass through.

Gifts and relief in kind for pris-

destinés aux prisonniers de guerre seront admis en franchise de tous droits d'entrée et autres, ainsi que des taxes de transport sur les chemins de fer exploités par l'État.

ARTICLE 17

Les officiers prisonniers pourront recevoir le complément, s'il y a lieu, de la solde qui leur est attribuée dans cette situation par les règlements de leur pays, à charge de remboursement par leur Gouvernement.

ARTICLE 18

Toute latitude est laissée aux prisonniers de guerre pour l'exercice de leur religion, y compris l'assistance aux offices de leur culte, à la seule condition de se conformer aux mesures d'ordre et de police prescrites par l'autorité militaire.

ARTICLE 19

Les testaments des prisonniers de guerre sont reçus ou dressés dans les mêmes conditions que pour les militaires de l'armée nationale.

On suivra également les mêmes règles en ce qui concerne les pièces relatives à la constatation des décès, ainsi que pour l'inhumation des prisonniers de guerre, en tenant compte de leur grade et de leur rang.

oners of war shall be admitted free of all duties of entry and others, as well as of payments for carriage by the Government railways.

ARTICLE 17

Officers taken prisoners may receive, if necessary, the full pay allowed them in this position by their country's regulations, the amount to be repaid by their Government.

ARTICLE 18

Prisoners of war shall enjoy every latitude in the exercise of their religion, including attendance at their own church services, provided only they comply with the regulations for order and police issued by the military authorities.

ARTICLE 19

The wills of prisoners of war are received or drawn up on the same conditions as for soldiers of the National Army.

The same rules shall be observed regarding death certificates, as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20

Après la conclusion de la paix, le rapatriement des prisonniers de guerre s'effectuera dans le plus bref délai possible.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall take place as speedily as possible.

CHAPITRE III. — *Des malades et des blessés*

CHAPTER III. — *On the Sick and Wounded*

ARTICLE 21

Les obligations des belligérants concernant le service des malades et des blessés sont régies par la Convention de Genève du 22 Août, 1864, sauf les modifications dont celle-ci pourra être l'objet.

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention of the 22d August, 1864, subject to any modifications which may be introduced into it.

SECTION II. — DES HOSTILITÉS

SECTION II. — ON HOSTILITIES

CHAPITRE I. — *Des moyens de nuire à l'ennemi, des sièges et des bombardements*

CHAPTER I. — *On Means of Injuring the Enemy, Sieges, and Bombardments*

ARTICLE 22

Les belligérants n'ont pas un droit illimité quant au choix des moyens de nuire à l'ennemi.

ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE 23

Outre les prohibitions établies par des Conventions spéciales, il est notamment *interdit:*

a. d'employer du poison ou des armes empoisonées;

b. de tuer ou de blesser par trahison des individus appartenant à la nation ou à l'armée ennemie;

c. de tuer ou de blesser un ennemi qui, ayant mis bas les armes

ARTICLE 23

Besides the prohibitions provided by special Conventions, it is especially prohibited:

a. To employ poison or poisoned arms;

b. To kill or wound treacherously individuals belonging to the hostile nation or army;

c. To kill or wound an enemy who, having laid down arms, or

ou n'ayant plus les moyens de se défendre, s'est rendu à discrétion;

d. de déclarer qu'il ne sera pas fait de quartier;

e. d'employer des armes, des projectiles ou des matières propres à causer des maux superflus;

f. d'user indûment du pavillon parlementaire, du pavillon national ou des insignes militaires et de l'uniforme de l'ennemi, ainsi que des signes distinctifs de la Convention de Genève;

g. de détruire ou de saisir des propriétés ennemies, sauf les cas où ces destructions ou ces saisies seraient impérieusement commandées par les nécessités de la guerre.

ARTICLE 24

Les ruses de guerre et l'emploi des moyens nécessaires pour se procurer des renseignements sur l'ennemi et sur le terrain sont considérés comme *licites*.

ARTICLE 25

Il est interdit d'attaquer ou de bombarder des villes, villages, habitations ou bâtiments qui ne sont pas défendus.

ARTICLE 26

Le commandant des troupes assaillantes, avant d'entreprendre le bombardement, et sauf le cas

having no longer means of defense, has surrendered at discretion;

d. To declare that no quarter will be given;

e. To employ arms, projectiles, or material of a nature to cause superfluous injury;

f. To make improper use of a flag of truce, the national flag, or military ensigns and the enemy's uniform, as well as the distinctive badges of the Geneva Convention;

g. To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.

ARTICLE 24

Ruses of war and the employment of methods necessary to obtain information about the enemy and the country are considered allowable.

ARTICLE 25

The attack or bombardment of towns, villages, habitations, or buildings which are not defended is prohibited.

ARTICLE 26

The commander of an attacking force, before commencing a bombardment, except in the case

d'attaque de vive force, devra faire tout ce qui dépend de lui pour en avertir les autorités.

of an assault, should do all he can to warn the authorities.

ARTICLE 27

Dans les sièges et bombardements, toutes les mesures nécessaires doivent être prises pour épargner, autant que possible, les édifices consacrés aux cultes, aux arts, aux sciences et à la bienfaisance, les hôpitaux et les lieux der assemblement de malades et de blessés, à condition qu'ils ne soient pas employés en même temps à un but militaire.

ARTICLE 27

In sieges and bombardments all necessary steps should be taken to spare as far as possible edifices devoted to religion, art, science, and charity, hospitals, and places where the sick and wounded are collected, provided they are not used at the same time for military purposes.

Le devoir des assiégés est de désigner ces édifices ou lieux de rassemblement par des signes visibles spéciaux qui seront notifiés d'avance à l'assiégeant.

The besieged should indicate these buildings or places by some particular and visible signs, which should previously be notified to the assailants.

ARTICLE 28

Il es interdit de livrer au pillage même une ville ou localité prise d'assaut.

ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPITRE II. — *Des espions*

CHAPTER II. — *On Spies*

ARTICLE 29

Ne peut être considéré comme espion que l'individu qui, agissant clandestinement ou sous de faux prétextes, recueille ou cherche à recueillir des informations dans la zone d'opérations d'un belligérant, avec l'intention de les communiquer à la partie adverse.

ARTICLE 29

An individual can only be considered a spy if, acting clandestinely, or on false pretenses, he obtains or seeks to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Ainsi les militaires non déguisés qui ont pénétré dans la zone d'opérations de l'armée ennemie, à l'effet de recueillir des informations, ne sont pas considérés comme espions. De même ne sont pas considérés comme espions: les militaires et les non-militaires, accomplissant ouvertement leur mission, chargés de transmettre des dépêches destinées soit à leur propre armée, soit à l'armée ennemie. A cette catégorie appartiennent également les individus envoyés en ballon pour transmettre les dépêches, et, en général, pour entretenir les communications entre les diverses parties d'une armée ou d'un territoire.

Thus, soldiers not in disguise who have penetrated into the zone of operations of a hostile army to obtain information are not considered spies. Similarly, the following are not considered spies: soldiers or civilians, carrying out their mission openly, charged with the delivery of dispatches destined either for their own army or for that of the enemy. To this class belong likewise individuals sent in balloons to deliver dispatches, and generally to maintain communication between the various parts of an army or a territory.

ARTICLE 30

L'espion pris sur le fait ne pourra être puni sans jugement préalable.

ARTICLE 30

A spy taken in the act can not be punished without previous trial.

ARTICLE 31

L'espion qui, ayant rejoint l'armée à laquelle il appartient, est capturé plus tard par l'ennemi, est traité comme prisonnier de guerre et n'encourt aucune responsabilité pour ses actes d'espionnage antérieurs.

ARTICLE 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPITRE III. — *Des parlementaires*

CHAPTER III. — *On Flags of Truce*

ARTICLE 32

Est considéré comme parlementaire l'individu autorisé par l'un des belligérants à entrer en

ARTICLE 32

An individual is considered as bearing a flag of truce who is authorized by one of the belligerents

pourparlers avec l'autre et se présentant avec le drapeau blanc. Il a droit à l'inviolabilité ainsi que la trompette, clarion ou tambour, le porte-drapeau et l'interprète qui l'accompagneraient.

ARTICLE 33

Le Chef auquel un parlementaire est expédié n'est pas obligé de le recevoir en toutes circonstances.

Il peut prendre toutes les mesures nécessaires afin d'empêcher le parlementaire de profiter de sa mission pour se renseigner.

Il a le droit, en cas d'abus, de retenir temporairement le parlementaire.

ARTICLE 34

Le parlementaire perd ses droits d'inviolabilité, s'il est prouvé, d'une manière positive et irrécusable, qu'il a profité de sa position privilégiée pour provoquer ou commettre un acte de trahison.

CHAPITRE IV. — *Des capitulations*

ARTICLE 35

Les capitulations arrêtées entre les Parties contractantes doivent tenir compte des règles de l'honneur militaire.

Une fois fixées, elles doivent être scrupuleusement observées par les deux parties.

to enter into communication with the other, and who carries a white flag. He has a right to inviolability, as well as the trumpeter, bugler, or drummer, the flag-bearer, and the interpreter who may accompany him.

ARTICLE 33

The Chief to whom a flag of truce is sent is not obliged to receive it in all circumstances.

He can take all steps necessary to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE 34

The envoy loses his rights of inviolability if it is proved beyond doubt that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV. — *On Capitulations*

ARTICLE 35

Capitulations agreed on between the Contracting Parties must be in accordance with the rules of military honor.

When once settled, they must be scrupulously observed by both the parties.

CHAPITRE V. — *De l'armistice*

ARTICLE 36

L'armistice suspend les opérations de guerre par un accord mutuel des parties belligérants. Si la durée n'en est pas déterminée, les parties belligérants peuvent reprendre en tout temps les opérations, pourvu toutefois que l'ennemi soit averti en temps convenu, conformément aux conditions de l'armistice.

ARTICLE 37

L'armistice peut être général ou local. Le premier suspend partout les opérations de guerre des États belligérants; le second, seulement entre certaines fractions des armées belligérantes et dans un rayon déterminé.

ARTICLE 38

L'armistice doit être notifié officiellement et en temps utile aux autorités compétentes et aux troupes. Les hostilités sont suspendues immédiatement après la notification ou au terme fixé.

ARTICLE 39

Il dépend des Parties contractantes de fixer, dans les clauses de l'armistice, les rapports qui pourraient avoir lieu, sur le théâtre de la guerre, avec les populations et entre elles.

ARTICLE 40

Toute violation grave de l'ar-

CHAPTER V. — *On Armistices*

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not fixed, the belligerent parties can resume operations at any time, provided always the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37

An armistice may be general or local. The first suspends all military operations of the belligerent States; the second, only those between certain fractions of the belligerent armies and in a fixed radius.

ARTICLE 38

An armistice must be notified officially, and in good time, to the competent authorities and the troops. Hostilities are suspended immediately after the notification, or at a fixed date.

ARTICLE 39

It is for the Contracting Parties to settle, in the terms of the armistice, what communications may be held, on the theater of war, with the population and with each other.

ARTICLE 40

Any serious violation of the

mistice par l'une des parties, donne à l'autre le droit de le dénoncer et même, en cas d'urgence, de reprendre immédiatement les hostilités.

ARTICLE 41

La violation des clauses de l'armistice, par des particuliers agissant de leur proper initiative, donne droit seulement à réclamer la punition des coupables et, s'il y a lieu, une indemnité pour les pertes éprouvées.

SECTION III. — DE L'AUTORITÉ MILITAIRE SUR LE TERRITOIRE DE L'ÉTAT ENNEMI

ARTICLE 42

Un territoire est considéré comme occupé lorsqu'il se trouve placé de fait sous l'autorité de l'armée ennemie.

L'occupation ne s'étend qu'aux territoires où cette autorité est établie et en mesure de s'exercer.

ARTICLE 43

L'autorité du pouvoir légal ayant passé de fait entre les mains de l'occupant, celui-ci prendra toutes les mesures qui dépendent de lui en vue de rétablir et d'assurer, autant qu'il est possible, l'ordre et la vie publics en respectant, sauf empêchement absolu, les lois en vigueur dans le pays.

armistice by one of the parties gives the other party the right to denounce it, and even, in case of urgency, to recommence hostilities at once.

ARTICLE 41

A violation of the terms of the armistice by private individuals acting on their own initiative, only confers the right of demanding the punishment of the offenders, and, if necessary, indemnity for the losses sustained.

SECTION III. — ON MILITARY 'AUTHORITY OVER HOSTILE TERRITORY

ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation applies only to the territory where such authority is established and in a position to assert itself.

ARTICLE 43

The authority of the legitimate power having actually passed into the hands of the occupant, the latter shall take all steps in his power to reëstablish and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 44

Il est interdit de forcer la population d'un territoire occupé à prendre part aux opérations militaires contre son propre pays.

ARTICLE 45

Il est interdit de contraindre la population d'un territoire occupé à prêter serment à la Puissance ennemie.

ARTICLE 46

L'honneur et les droits de la famille, la vie des individus et la propriété privée, ainsi que les convictions religieuses et l'exercice des cultes, doivent être respectés.

La propriété privée ne peut pas être confisquée.

ARTICLE 47

Le pillage est formellement interdit.

ARTICLE 48

Si l'occupant prélève, dans le territoire occupé, les impôts, droits et péages établis au profit de l'État, il le fera, autant que possible, d'après les règles de l'assiette et de la répartition en vigueur, et il en résultera pour lui l'obligation de pourvoir aux frais de l'administration du territoire occupé dans la mesure où le Gouvernement légal y était tenú.

ARTICLE 44

Any compulsion of the population of occupied territory to take part in military operations against its own country is prohibited.

ARTICLE 45

Any pressure on the population of occupied territory to take the oath to the hostile Power is prohibited.

ARTICLE 46

Family honors and rights, individual lives and private property, as well as religious convictions and liberty, must be respected.

Private property can not be confiscated.

ARTICLE 47

Pillage is formally prohibited.

ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do it, as far as possible, in accordance with the rules in existence and the assessment in force, and will in consequence be bound to defray the expenses of the administration of the occupied territory on the same scale as that by which the legitimate Government was bound.

ARTICLE 49

Si, en dehors des impôts visés à l'article précédent, l'occupant prélève d'autres contributions en argent dans le territoire occupé, ce ne pourra être que pour les besoins de l'armée ou de l'administration de ce territoire.

ARTICLE 50

Aucune peine collective, pécuniaire ou autre, ne pourra être édictée contre les populations à raison de faits individuels dont elles ne pourraient être considérées comme solidairement responsables.

ARTICLE 51

Aucune contribution ne sera perçue qu'en vertu d'un ordre écrit et sous la responsabilité d'un général en chef.

Il ne sera procédé, autant que possible, à cette perception que d'après les règles de l'assiette et de la répartition des impôts eu vigueur.

Pour toute contribution un reçu sera délivré aux contribuables.

ARTICLE 52

Des réquisitions en natur et des services ne pourront être réclamés des communes ou des habitants que pour les besoins de l'armée d'occupation. Ils seront en rapport avec les ressources du pays et de telle nature qu'ils n'impliquent pas pour les popu-

ARTICLE 49

If, besides the taxes mentioned in the preceding article, the occupant levies other money taxes in the occupied territory, this can only be for military necessities or the administration of such territory.

ARTICLE 50

No general penalty, pecuniary or otherwise, can be inflicted on the population on account of the acts of individuals for which it can not be regarded as collectively responsible.

ARTICLE 51

No tax shall be collected except under a written order and on the responsibility of a Commander-in-Chief.

This collection shall only take place, as far as possible, in accordance with the rules in existence and the assessment of taxes in force.

For every payment a receipt shall be given to the taxpayer.

ARTICLE 52

Neither requisition in kind nor services can be demanded from communes or inhabitants except for the necessities of the army of occupation. They must be in proportion to the resources of the country, and of such a nature as not to involve the population in

lations l'obligation de prendre part aux opérations de la guerre contre leur patrie.

Ces réquisitions et ces services ne seront réclamés qu'avec l'autorisation du commandant dans la localité occupée.

Les prestations en nature seront, autant que possible, payées au comptant; sinon elles seront constatées par des reçus.

the obligation of taking part in military operations against their country.

These requisitions and services shall only be demanded on the authority of the Commander in the locality occupied.

The contributions in kind shall, as far as possible, be paid for in ready money; if not, their receipt shall be acknowledged.

ARTICLE 53

L'armée qui occupe un territoire ne pourra saisir que le numéraire, les fonds et les valeurs exigibles appartenant en propre à l'État, les dépôts d'armes, moyens de transport, magasins et approvisionnements, et, en général, toute propriété mobilière de l'État de nature à servir aux opérations de la guerre.

Le matériel des chemins de fer, les télégraphes de terre, les téléphones, les bateaux à vapeur et autres navires, en dehors des cas régis par la loi maritime, de même que les dépôts d'armes et en général toute espèce de munitions de guerre, même appartenant à des sociétés ou à des personnes privées, sont également des moyens de nature à servir aux opérations de la guerre, mais devront être restitués, et les indemnités seront réglées à la paix.

ARTICLE 53

An army of occupation can only take possession of the cash, funds, and property liable to requisition belonging strictly to the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property of the State which may be used for military operations.

Railway plant, land telegraphs, telephones, steamers, and other ships, apart from cases governed by maritime law, as well as depôts of arms, and generally, all kinds of war material, even though belonging to Companies or to private persons, are likewise material which may serve for military operations, but they must be restored at the conclusion of peace, and indemnities paid for them.

ARTICLE 54

Le matériel des chemins de fer provenant d'États neutres, qu'il appartienne à ces États ou à des Sociétés ou personnes privées, leur sera renvoyé aussitôt que possible.

ARTICLE 55

L'État occupant ne se considérera que comme administrateur et usufruitier des édifices publics, immeubles, forêts et exploitations agricoles appartenant à l'État ennemi et se trouvant dans le pays occupé. Il devra sauvegarder le fond de ces propriétés et les administrer conformément aux règles de l'usufruit.

ARTICLE 56

Les biens des communes, ceux des établissements consacrés aux cultes, à la charité et à l'instruction, aux arts et aux sciences, même appartenant à l'État, seront traités comme la propriété privée.

Toute saisie, destruction ou dégradation intentionnelle de semblables établissements, de monuments historiques, d'œuvres d'art et de science, est interdite et doit être poursuivie.

ARTICLE 54

The plant of railways coming from neutral States, whether the property of those States, or of Companies, or of private persons, shall be sent back to them as soon as possible.

ARTICLE 55

The occupying State shall only be regarded as administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile State, and situated in the occupied country. It must protect the capital of these properties, and administer it according to the rules of usufruct.

ARTICLE 56

The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings.

SECTION IV. — Des Belligérants Internés et des Blessés Soignés chez les Neutres

Article 57

L'État neutre qui reçoit sur son territoire des troupes appartenant aux armées belligérantes, les internera, autant que possible, loin du théâtre de la guerre.

Il pourra les garder dans des camps, et même les enfermer dans les forteresses ou dans des lieux appropriés à cet effet.

Il décidera si les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

Article 58

A défaut de convention spéciale, l'État neutre fournira aux internés les vivres, les habillements et les secours commandés par l'humanité.

Bonification sera faite, à la paix, des frais occasionnés par l'internement.

Article 59

L'État neutre pourra autoriser le passage sur son territoire des blessés ou malades appartenant aux armées belligérantes, sous la réserve que les trains qui les amèneront ne transporteront ni personnel, ni matériel de guerre. En pareil cas, l'État neutre est

SECTION IV. — On the Internment of Belligerents and the Care of the Wounded in Neutral Countries

Article 57

A neutral State which receives in its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

It can keep them in camps, and even confine them in fortresses or locations assigned for this purpose.

It shall decide whether officers may be left at liberty on giving their parole that they will not leave the neutral territory without authorization.

Article 58

Failing a special Convention, the neutral State shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace, the expenses caused by the internment shall be made good.

Article 59

A neutral State may authorize the passage through its territory of wounded or sick belonging to the belligerent armies, on condition that the trains bringing them shall carry neither combatants nor war material. In such a case, the neutral State is bound to

tenu de prendre les mesures de sûreté et de contrôle nécessaires à cet effet.

Les blessés ou malades amenés dans ces conditions sur le territoire neutre par un des belligérants, et qui appartiendraient à la partie adverse, devront être gardés par l'État neutre de manière qu'ils ne puissent de nouveau prendre part aux opérations de la guerre. Celui-ci aura les mêmes devoirs quant aux blessés ou malades de l'autre armée qui lui seraient confiés.

adopt such measures of safety and control as may be necessary for the purpose.

Wounded and sick brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral State, so as to insure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE 60

La Convention de Genève s'applique aux malades et aux blessés internés sur territoire neutre.

ARTICLE 60

The Geneva Convention applies to sick and wounded interned in neutral territory.

CONVENTION POUR L'ADAPTATION À LA GUERRE MARITIME DES PRINCIPES DE LA CONVENTION DE GENÈVE DU 22 AOÛT, 1864

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie; Sa Majesté le Roi des Belges; Sa Majesté l'Empereur de Chine; Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne et en Son Nom Sa Majesté la Reine-Régente du Royaume; le Président des États-Unis d'Amérique; le Président des États-Unis Mexi-

CONVENTION FOR THE ADAPTATION TO MARITIME WARFARE OF THE PRINCIPLES OF THE GENEVA CONVENTION OF AUGUST 22, 1864

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the King of Denmark; His Majesty the King of Spain and in His Name Her Majesty the Queen Regent of the Kingdom; the President of the United States of America;

cains; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi des Hellènes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Son Altesse Royale le Grand-Duc de Luxembourg, Duc de Nassau; Son Altesse le Prince le Monténégro; Sa Majesté la Reine des Pays-Bas; Sa Majesté Impériale le Schah de Perse; Sa Majesté le Roi de Portugal et des Algarves etc.; Sa Majesté le Roi de Roumanie; Sa Majesté l'Empereur de Toutes les Russies; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Siam; Sa Majesté le Roi de Suède et de Norvège; le Conseil Fédéral Suisse; Sa Majesté l'Empereur des Ottomans et Son Altesse Royale le Prince de Bulgarie,

Également animés du désir de diminuer autant qu'il dépend d'eux les maux inséparables de la guerre et voulant dans ce but adapter à la guerre maritime les principes de la Convention de Genève du 22 Août, 1864, ont résolu de conclure une Convention à cet effet.

Ils ont, en conséquence, nommé

the President of the United Mexican States; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden and Norway; the Swiss Federal Council; His Majesty the Emperor of the Ottomans and His Royal Highness the Prince of Bulgaria,

Alike animated by the desire to diminish, as far as depends on them, the evils inseparable from warfare, and wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 22d August, 1864, have decided to conclude a convention to this effect.

They have, in consequence,

pour leurs Plénipotentiaires, savoir:

[Noms]

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

ARTICLE 1

Les bâtiments-hôpitaux militaires, c'est-à-dire les bâtiments construits ou aménagés par les États spécialement et uniquement en vue de porter secours aux blessés, malades et naufragés, et dont les noms auront été communiques, à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage, aux Puissances belligérantes, sont respectés et ne peuvent être capturés pendant la durée des hostilités.

Ces bâtiments ne sont pas non plus assimilés aux navires de guerre au pont de vue de leur séjour dans un port neutre.

ARTICLE 2

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés de secours officiellement reconnues, sont également respectés et exempts de capture, si la Puissance belligérante dont ils dépendent leur a donné une

appointed as their Plenipotentiaries, to wit:

[Names]

Who, after communication of their full powers, found in good and due form, have agreed on the following provisions:

ARTICLE 1

Military hospital ships, that is to say, ships constructed or assigned by States specially and solely for the purpose of assisting the wounded, sick, or shipwrecked, and the names of which shall have been communicated to the belligerent Powers at the beginning or during the course of hostilities, and in any case before they are employed, shall be respected and can not be captured while hostilities last.

These ships, moreover, are not on the same footing as men-of-war as regards their stay in a neutral port.

ARTICLE 2

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized relief Societies, shall likewise be respected and exempt from capture, provided the belligerent Power to whom they belong has given them an official com-

commission officielle et en a notifié les noms à la Puissance adverse à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

Ces navires doivent être porteurs d'un document de l'autorité compétente déclarant qu'ils ont été soumis à son contrôle pendant leur armement et à leur départ final.

ARTICLE 3

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés officiellement reconnues de pays neutres, sont respectés et exempts de capture, si la Puissance neutre dont ils dépendent leur a donné une commission officielle et en a notifié les noms aux Puissances belligérantes à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

ARTICLE 4

Les bâtiments qui sont mentionnés dans les articles 1, 2, et 3, porteront secours et assistance aux blessés, malades et naufragés des belligérants sans distinction de nationalité.

Les Gouvernements s'engagent à n'utiliser ces bâtiments pour aucun but militaire.

Ces bâtiments ne devront gêner en aucune manière les mouvements des combattants.

mission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships should be furnished with a certificate from the competent authorities, declaring that they had been under their control while fitting out and on final departure.

ARTICLE 3

Hospital ships, equipped wholly or in part at the cost of private individuals or officially recognized Societies of neutral countries, shall be respected and exempt from capture, if the neutral Power to whom they belong has given them an official commission and notified their names to the belligerent Powers at the commencement of or during hostilities, and in any case before they are employed.

ARTICLE 4

The ships mentioned in articles 1, 2, and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents independently of their nationality.

The Governments engage not to use these ships for any military purpose.

These ships must not in any way hamper the movements of the combatants.

Pendant et après le combat, ils agiront à leurs risques et périls.

Les belligérants auront sur eux le droit de contrôle et de visite; ils pourront refuser leur concours, leur enjoindre de s'éloigner, leur imposer une direction déterminée et mettre à bord un commissaire, même les détenir, si la gravité des circonstances l'exigeait.

Autant que possible, les belligérants inscriront sur le journal de bord des bâtiments hospitaliers les ordres qu'ils leur donneront.

ARTICLE 5

Les bâtiments-hôpitaux militaires seront distingués par une peinture extérieure blanche avec une bande horizontale verte d'un mètre et demi de largeur environ.

Les bâtiments qui sont mentionnés dans les articles 2 et 3 seront distingués par une peinture extérieure blanche avec une bande horizontale rouge d'un mètre et demi de largeur environ.

Les embarcations des bâtiments qui viennent d'être mentionnés, comme les petits bâtiments qui pourront être affectés au service hospitalier, se distingueront par une peinture analogue.

Tous les bâtiments hospitaliers se feront reconnaître en hissant, avec leur pavillon national, le

During and after an engagement they will act at their own risk and peril.

The belligerents will have the right to control and visit them; they can refuse to help them, order them off, make them take a certain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible the belligerents shall inscribe in the sailing papers of the hospital ships the orders they give them.

ARTICLE 5

The military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth.

The ships mentioned in articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, together with their national flag,

pavillon blanc à croix rouge prévu par la Convention de Genève.

ARTICLE 6

Les bâtiments de commerce, yachts ou embarcations neutres, portant ou recueillant des blessés, des malades ou des naufragés des belligérants, ne peuvent être capturés pour le fait de ce transport, mais ils restent exposés à la capture pour les violations de neutralité qu'ils pourraient avoir commises.

ARTICLE 7

Le personnel religieux, médical et hospitalier de tout bâtiment capturé est inviolable et ne peut être fait prisonnier de guerre. Il emporte, en quittant le navire, les objets et les instruments de chirurgie qui sont sa propriété particulière.

Ce personnel continuera à remplir ses fonctions tant que cela sera nécessaire, et il pourra ensuite se retirer lorsque le commandant en chef le jugera possible.

Les belligérants doivent assurer à ce personnel tombé entre leurs mains la jouissance intégrale de son traitement.

ARTICLE 8

Les marins et les militaires embarqués blessés ou malades, à quelque nation qu'ils appartien-

the white flag with a red cross provided by the Geneva Convention.

ARTICLE 6

Neutral merchantmen, yachts, or vessels having or taking on board sick, wounded, or shipwrecked of the belligerents can not be captured for so doing, but they are liable to capture for any violation of neutrality they may have committed.

ARTICLE 7

The religious, medical, or hospital staff of any captured ship is inviolable, and its members can not be made prisoners of war. On leaving the ship they take with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave when the Commander-in-Chief considers it possible.

The belligerents must guarantee to the staff that has fallen into their hands the enjoyment of their salaries intact.

ARTICLE 8

Sailors and soldiers who are taken on board when sick or wounded, to whatever nation they

nent, seront protégés et soignés par les capteurs.

ARTICLE 9

Sont prisonniers de guerre les naufragés, blessés ou malades d'un belligérant qui tombent au pouvoir de l'autre. Il appartient à celui-ci de décider, suivant les circonstances, s'il convient de les garder, de les diriger sur un port de sa nation, sur un port neutre ou même sur un port de l'adversaire. Dans ce dernier cas, les prisonniers ainsi rendus à leur pays ne pourront servir pendant la durée de guerre.

ARTICLE 10

[Exclu]

ARTICLE 11

Les règles contenues dans les articles ci-dessus ne sont obligatoires que pour les Puissances contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Lesdites règles cesseront d'être obligatoires du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

ARTICLE 12

La présente Convention sera ratifiée dans le plus bref délai possible.

belong, shall be protected and looked after by the captors.

ARTICLE 9

The shipwrecked, wounded, or sick of one of the belligerents who fall into the hands of the other are prisoners of war. The captor must decide, according to circumstances, if it is best to keep them or send them to a port of his own country, to a neutral port, or even to a hostile port. In the last case, prisoners thus repatriated can not serve as long as the war lasts.

ARTICLE 10

[Excluded]

ARTICLE 11

The rules contained in the above articles are binding only on the Contracting Powers, in case of war between two or more of them.

The said rules shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

ARTICLE 12

The present Convention shall be ratified as soon as possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise, par la voie diplomatique, à toutes les Puissances contractantes.

The ratifications shall be deposited at The Hague.

On the receipt of each ratification a *procès-verbal* shall be drawn up, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

ARTICLE 13

Les Puissances non signataires, qui auront accepté la Convention de Genève du 22 Août, 1864, sont admises à adhérer à la présente Convention.

Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas, et communiquée par celui-ci à toutes les autres Puissances contractantes.

ARTICLE 13

The non-Signatory Powers who accepted the Geneva Convention of the 22d August, 1864, are allowed to adhere to the present Convention.

For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

ARTICLE 14

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Convention, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

ARTICLE 14

In the event of one of the High Contracting Parties denouncing the present Convention, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

En foi de quoi, les Plénipoten-

In testimony whereof the re-

tiaires respectifs ont signé la présente Convention et l'ont revêtue de leurs sceaux.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.

[Signatures]

spective Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in single copy, which shall be kept in the archives of the Government of the Netherlands, and copies of which, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements,

S'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint Pétersbourg du 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes consentent, pour une durée de cinq ans, à l'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.

La présente Déclaration n'est obligatoire que pour les Puissances Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire

DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments,

Inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare that:

The Contracting Powers agree to prohibit, for a term of five years, the launching of projectiles and explosives from balloons, or by other new methods of a similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

It shall cease to be binding

du moment où dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, of which a copy, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and communicated by it to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and by it forthwith communicated to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

[Signatures]

DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements,

S'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Pétersbourg du 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes s'interdisent l'emploi de projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.

La présente Déclaration n'est obligatoire que pour les Puissances Contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire

DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments,

Inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The Contracting Powers agree to abstain from the use of projectiles the object of which is the diffusion of asphyxiating or deleterious gases.

The present Declaration is only binding on the Contracting Powers in the case of a war between two or more of them.

It shall cease to be binding

du moment où, dans une guerre entre des Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

from the time when, in a war between the Contracting Powers, one of the belligerents shall be joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers can adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Government of the Netherlands, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

In faith of which the Plenipotentiaries have signed the present Declaration, and affixed their seals thereto.

Done at The Hague, the 29th July, 1899, in a single copy which shall be kept in the archives of the Netherlands Government, and copies of which, duly certified, shall be sent by the diplomatic channel to the Contracting Powers.

[Signatures] [Signatures]

DÉCLARATION

Les Soussignés, Plénipotentiaires des Puissances représentées à la Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements,

S'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de Saint-Pétersbourg du 29 Novembre (11 Décembre), 1868,

Déclarent:

Les Puissances Contractantes s'interdisent l'emploi de balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.

La présente Déclaration n'est obligatoire que pour les Puis-

DECLARATION

The Undersigned, Plenipotentiaries of the Powers represented at the International Peace Conference at The Hague, duly authorized to that effect by their Governments,

Inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868,

Declare as follows:

The Contracting Parties agree to abstain from the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core, or is pierced with incisions.

The present Declaration is only binding for the Contracting

sances Contractantes en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où, dans une guerre entre les Puissances Contractantes, une Puissance non-Contractante se joindrait à l'un des belligérants.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances Contractantes.

Les Puissances non-Signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances Contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances Contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et commu-

Powers in the case of a war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratification shall be deposited at The Hague.

A *procès-verbal* shall be drawn up on the receipt of each ratification, a copy of which, duly certified, shall be sent through the diplomatic channel to all the Contracting Powers.

The non-Signatory Powers may adhere to the present Declaration. For this purpose they must make their adhesion known to the Contracting Powers by means of a written notification addressed to the Netherlands Government, and by it communicated to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherlands Government, and forthwith

niquée immédiatement par celui-ci à toutes les autres Puissances Contractantes.

Cet dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont signé la présente Déclaration et l'ont revêtue de leurs cachets.

Fait à La Haye, le 29 Juillet, 1899, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances Contractantes.

[Signatures]

communicated by it to all the other Contracting Powers.

This denunciation shall only affect the notifying Power.

In faith of which the Plenipotentiaries have signed the present Declaration, and have affixed their seals thereto.

Done at The Hague the 29th July, 1899, in a single copy, which shall be kept in the archives of the Netherlands Government, and of which copies, duly certified, shall be sent through the diplomatic channel to the Contracting Powers.

[Signatures]

Tableau des États Signataires des Conventions de la Première Conference de la Paix, 1899

S = signé R = réserve	I Convention pour le règlement pacifique des conflits internationaux.	II Convention concernant les lois et coutumes de la guerre sur terre.	III Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864.	Déclaration concernant l'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.	Déclaration concernant l'interdiction de l'emploi de projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.	Déclaration concernant l'interdiction de l'emploi des balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.	Acte Final.
Signataires:							
Allemagne	S	S	S	S	S	S	S
Autriche-Hongrie	S	S	S	S	S	S	S
Belgique	S	S	S	S	S	S	S
Chine	S	Adhéré	S	S	S	S	S
Danemark	S	S	S	S	S	S	S
Espagne	S	S	S	S	S	S	S
États - Unis (d'Amér.)	S R	S	S	S			S
États - Unis Mexicains	S	S	S	S	S	S	S
France	S	S	S	S	S	S	S
Grande - Bretagne et Irlande	S	S	S		Adhéré	Adhéré	S
Grèce	S	S	S	S	S	S	S
Italie	S	S	S	S	S	S	S
Japon	S	S	S	S	S	S	S
Luxembourg	S	S	S	S	S	S	S
Monténégro	S	S	S	S	S	S	S
Pays-Bas	S	S	S	S	S	S	S
Perse	S	S	S	S	S	S	S
Portugal	S	S	S	S	S	Adhéré	S
Roumanie	S R	S	S	S	S	S	S
Russie	S	S	S	S	S	S	S
Serbie	S R	S	S	S	S	S	S
Siam	S	S	S	S	S	S	S
Suède et Norvège	S	S	S	S	S	S	S
Suisse	S	Adhéré	S	S	S	S	S
Turquie	S R	S	S	S	S	S	S
Bulgarie	S	S	S	S	S	S	S

Cette Déclaration est expirée depuis le 4 Septembre, 1905

Table of Signatures to the Conventions of the First Peace Conference, 1899

S = signed R = reserved	I Convention for the pacific settlement of international conflicts.	II Convention concerning the laws and customs of war on land.	III Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864.	Declaration concerning prohibition of launching of projectiles and explosives from balloons or by other similar new methods.	Declaration concerning prohibition of use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.	Declaration concerning the prohibition of the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.	Final Act.
Signatories:							
Germany	S	S	S	S	S	S	S
Austria-Hungary	S	S	S	S	S	S	S
Belgium	S	S	S	S	S	S	S
China	S	Adhered	S	S	S	S	S
Denmark	S	S	S	S	S	S	S
Spain	S	S	S	S	S	S	S
United States	S R	S	S	S			S
Mexico	S	S	S	S	S	S	S
France	S	S	S	S	S	S	S
Great Britain and Ireland	S	S	S		Adhered	Adhered	S
Greece	S	S	S	This declaration expired September 4, 1905	S	S	S
Italy	S	S	S	S	S	S	S
Japan	S	S	S	S	S	S	S
Luxemburg	S	S	S	S	S	S	S
Montenegro	S	S	S	S	S	S	S
Netherlands	S	S	S	S	S	S	S
Persia	S	S	S	S	S	S	S
Portugal	S	S	S	S	S	Adhered	S
Roumania	S R	S	S	S	S	S	S
Russia	S	S	S	S	S	S	S
Servia	S R	S	S	S	S	S	S
Siam	S	S	S	S	S	S	S
Sweden and Norway	S	S	S	S	S	S	S
Switzerland	S	Adhered	S	S	S	S	S
Turkey	S R	S	S	S	S	S	S
Bulgaria	S	S	S	S	S	S	S

Tableau des États Signataires des Conventions de la Première Conference de la Paix, 1899

(Suite)

S = signé R = réserve	I Convention pour le règlement pacifique des conflits internationaux.	II Convention concernant les lois et coutumes de la guerre sur terre.	III Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève du 22 Août, 1864.	Déclaration concernant l'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.	Déclaration concernant l'interdiction de l'emploi projectiles qui ont pour but unique de répandre des gaz asphyxiants ou délétères.	Déclaration concernant l'interdiction de l'emploi des balles qui s'épanouissent ou s'aplatissent facilement dans le corps humain, telles que les balles à enveloppe dure dont l'enveloppe ne couvrirait pas entièrement le noyau ou serait pourvue d'incisions.	Acte Final.
Adhérents:							
Argentine	S	S	S				
Bolivie	S	S	S				
Brésil	S	S	S				
Chili	S	S	S				
Colombie	S	S	S				
Costa Rica							
République Cubaine	S	S	S				
République Dominicaine	S	S	S				
Equateur	S	S	S				
Guatémala	S	S	S				
Haiti	S	S	S				
Honduras		S	S				
Korea		S	S				
Nicaragua	S	S	S		S		
République de Panama	S	S	S				
Paraguay	S	S	S				
Pérou	S	S	S				
Salvador	S	S	S				
Uruguay	S	S	S				
Vénézuela	S	S	S				

Table of Signatures to the Conventions of the First Peace Conference, 1899

(Continued)

S = signed R = reserved	I Convention for the pacific settlement of international conflicts.	II Convention concerning the laws and customs of war on land.	III Convention for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864.	Declaration concerning prohibition of launching of projectiles and explosives from balloons or by other similar new methods.	Declaration concerning prohibition of use of projectiles, the only object of which is the diffusion of asphyxiating or deleterious gases.	Declaration concerning the prohibition of the use of bullets which expand or flatten easily in the human body, such as bullets with a hard envelope, of which the envelope does not entirely cover the core, or is pierced with incisions.	Final Act.
Adherents:							
Argentine Republic	S	S	S				
Bolivia	S	S	S				
Brazil	S	S	S				
Chile	S	S	S				
Colombia	S	S	S				
Costa Rica							
Cuba	S	S	S				
Dominican Republic	S	S	S				
Ecuador	S	S	S				
Guatemala	S	S	S				
Haiti	S	S	S				
Honduras		S	S				
Korea		S	S				
Nicaragua	S	S	S		S		
Panama	S	S	S				
Paraguay	S	S	S				
Peru	S	S	S				
Salvador	S	S	S				
Uruguay	S	S	S				
Venezuela	S	S	S				

RÉSERVES

CONVENTION POUR LE RÈGLEMENT PACIFIQUE DES CONFLITS INTERNATIONAUX

États-Unis d'Amérique:

Rien de ce qui est contenu dans cette Convention ne peut être interprété de façon à obliger les États-Unis d'Amérique à se départir de leur politique traditionelle, en vertu de laquelle ils s'abstiennent d'intervenir, de s'ingérer, ou de s'immiscer dans les questions politiques ou dans la politique ou dans l'administration intérieure d'aucun État étranger. Il est bien entendu également que rien dans la Convention ne pourra être interprété comme impliquant un abandon par les États-Unis d'Amérique de leur attitude traditionelle à l'égard des questions purement Américaines.

Roumanie:

Le Gouvernement Royal de Roumanie, complètement acquis au principe de l'arbitrage facultatif, dont il apprécie toute l'importance dans les relations internationales, n'entend cependant pas prendre, par l'article 15, un engagement d'accepter un arbitrage dans tous les cas qui y sont prévus, et il croit devoir formuler des réserves expresses à cet égard.

RESERVATIONS

CONVENTION FOR THE PEACEFUL ADJUSTMENT OF INTERNATIONAL DIFFERENCES

United States:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political question of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude towards purely American questions.

Roumania:

The Royal Government of Roumania, being completely in favor of the principle of facultative arbitration, of which it appreciates the great importance in international relations, nevertheless, does not intend to undertake, by article 15, an engagement to accept arbitration in every case there provided for, and it believes it ought to form express reservations in that respect.

Il ne peut donc voter cet article que sous cette réserve.

Le Gouvernement Royal de Roumanie déclare qu'il ne peut adhérer à l'article 16 qu'avec la réserve expresse, consignée au procès-verbal, qu'il est décidé à ne pas accepter, en aucun cas, un arbitrage international pour des contestations ou litiges antérieurs à la conclusion de la présente Convention.

Le Gouvernement Royal de Roumanie déclare qu'en adhérant à l'article 18 de la Convention, il n'entend prendre aucun engagement en matière d'arbitrage obligatoire.

Serbie :

Au nom du Gouvernement Royal de Serbie, nous avons l'honneur de déclarer que l'adoption par nous du principe de bons offices et de la médiation n'implique pas une reconnaissance du droit pour les États tiers d'user de ces moyens autrement qu'avec la réserve extrême qu'exige la nature délicate de ces démarches.

Nous n'admettrons les bons offices et la médiation qu'à condition de leur conserver pleinement et intégralement leur caractère de conseil purement amical, et nous ne saurions jamais les accepter dans des formes et

It can not therefore vote for this article, except under that reservation.

The Royal Government of Roumania declares that it can not adhere to article 16 except with the express reservation, entered in the *procès-verbal,* that it has decided not to accept, in any case, an international arbitration for disagreements or disputes previous to the conclusion of the present Convention.

The Royal Government of Roumania declares that in adhering to article 18 of the Convention, it makes no engagement in regard to obligatory arbitration.

Servia :

In the name of the Royal Government of Servia, we have the honor to declare that our adoption of the principle of good offices and mediation does not imply a recognition of the right of third states to use these means except with the extreme reserve which proceedings of this delicate nature require.

We do not admit good offices and mediation except on condition that their character of purely friendly counsel is maintained fully and completely, and we never could accept them in forms and circumstances such as

des circonstances telles qu'elles pourraient leur imprimer le caractère d'une intervention.

Turquie :

La Délégation Ottomane, considérant que ce travail de la Conférence a été une œuvre de haute loyauté et d'humanité destinée uniquement à raffermir la paix générale en sauvegardant les intérêts et les droits de chacun, déclare au nom de son Gouvernement adhérer à l'ensemble du projet qui vient d'être adopté, aux conditions suivantes :

1. Il est formellement entendu que le recours aux bons offices, à la médiation, aux Commissions d'Enquête et à l'arbitrage est purement facultatif et ne saurait en aucun cas revêtir un caractère obligatoire ou dégénérer en intervention.

2. Le Gouvernement Impérial aura à juger lui-même des cas où ses intérêts lui permettraient d'admettre ces moyens, sans que son abstention ou son refus d'y avoir recours puissent être considérés par les États Signataires. comme un procédé peu amical.

Il va de soi qu'en aucun cas les moyens dont il s'agit ne sauraient s'appliquer à des questions d'ordre intérieur.

to impress upon them the character of intervention.

Turkey :

The Turkish Delegation, considering that the work of this Conference has been a work of high loyalty and humanity, destined solely to assure general peace by safeguarding the interests and the rights of each one, declares, in the name of its Government, that it adheres to the project just adopted, on the following conditions :

1. It is formally understood that recourse to good offices and mediation, to commissions of inquiry and arbitration is purely facultative and could not in any case assume an obligatory character or degenerate into intervention.

2. The Imperial Government itself will be the judge of the cases where its interests would permit it to admit these methods, without its abstention or refusal to have recourse to them being considered by the signatory states as an unfriendly act.

It goes without saying that in no case could the means in question be applied to questions concerning interior regulation.

OFFICIAL CORRESPONDENCE RELATING TO THE SECOND CONFERENCE

THE SECRETARY OF STATE TO THE REPRESENTATIVE OF THE UNITED STATES ACCREDITED TO EACH OF THE GOVERNMENTS SIGNATORIES TO THE ACTS OF THE HAGUE CONFERENCE, 1899

DEPARTMENT OF STATE,
WASHINGTON, October 21, 1904.

SIR: The peace conference which assembled at The Hague on May 18, 1899, marked an epoch in the history of nations. Called by His Majesty the Emperor of Russia to discuss the problems of the maintenance of general peace, the regulation of the operations of war, and the lessening of the burdens which preparedness for eventual war entails upon modern peoples, its labors resulted in the acceptance by the signatory powers of conventions for the peaceful adjustment of international difficulties by arbitration, and for certain humane amendments to the laws and customs of war by land and sea. A great work was thus accomplished by the conference, while other phases of the general subject were left to discussion by another conference in the near future, such as questions affecting the rights and duties of neutrals, the inviolability of private property in naval warfare, and the bombardment of ports, towns, and villages by a naval force.

Among the movements which prepared the minds of governments for an accord in the direction of assured peace among men, a high place may fittingly be given to that set on foot by the Interparliamentary Union. From its origin in the suggestions of a member of the British House of Commons, in 1888, it developed until its membership included large numbers of delegates from the parliaments of the principal nations, pledged to exert their influence toward the conclusion of treaties of arbitration between nations and toward the accomplishment of peace. Its annual conferences have notably advanced the high purposes it sought to realize. Not only have many international treaties of arbitration been concluded, but, in

the conference held in Holland in 1894, the memorable declaration in favor of a permanent court of arbitration was a forerunner of the most important achievement of the Peace Conference of The Hague in 1899.

The annual conference of the Interparliamentary Union was held this year at St. Louis, in appropriate connection with the World's Fair. Its deliberations were marked by the same noble devotion to the cause of peace and to the welfare of humanity which had inspired its former meetings. By the unanimous vote of delegates, active or retired members of the American Congress and of every parliament in Europe with two exceptions, the following resolution was adopted:

> Whereas, enlightened public opinion and modern civilization alike demand that differences between nations should be adjudicated and settled in the same manner as disputes between individuals are adjudicated, namely, by the arbitrament of courts in accordance with recognized principles of law, this conference requests the several governments of the world to send delegates to an international conference to be held at a time and place to be agreed upon by them for the purpose of considering:
>
> 1. The questions for the consideration of which the conference at The Hague expressed a wish that a future conference be called.
>
> 2. The negotiation of arbitration treaties between the nations represented at the conference to be convened.
>
> 3. The advisability of establishing an international congress to convene periodically for the discussion of international questions.
>
> And this conference respectfully and cordially requests the President of the United States to invite all the nations to send representatives to such a conference.

On the 24th of September, ultimo, these resolutions were presented to the President by a numerous deputation of the Interparliamentary Union. The President accepted the charge offered to him, feeling it to be most appropriate that the Executive of the nation which had welcomed the conference to its hospitality should give voice to its impressive utterances in a cause which the American Government and people hold dear. He announced that he would at an early

date invite the other nations, parties to the Hague conventions, to reassemble with a view to pushing forward toward completion the work already begun at The Hague, by considering the questions which the first conference had left unsettled with the express provision that there should be a second conference.

In accepting this trust, the President was not unmindful of the fact, so vividly brought home to all the world, that a great war is now in progress. He recalled the circumstance that at the time when, on August 24, 1898, His Majesty the Emperor of Russia sent forth his invitation to the nations to meet in the interests of peace, the United States and Spain had merely halted, in their struggle, to devise terms of peace. While at the present moment no armistice between the armies now contending is in sight, the fact of an existing war is no reason why the nations should relax the efforts they have so successfully made hitherto towards the adoption of rules of conduct which may make more remote the chances of future wars between them. In 1899 the Conference of The Hague dealt solely with the larger general problems which confront all nations, and assumed no function of intervention or suggestion in the settlement of the terms of peace between the United States and Spain. It might be the same with a reassembled conference at the present time. Its efforts would naturally lie in the direction of further codification of the universal ideas of right and justice which we call international law; its mission would be to give them future effect.

The President directs that you will bring the foregoing considerations to the attention of the Minister for Foreign Affairs of the Government to which you are accredited and, in discreet conference with him, ascertain to what extent that Government is disposed to act in the matter.

Should His Excellency invite suggestion as to the character of the questions to be brought before the proposed Second Peace Conference, you may say to him that, at this time, it would seem premature to couple the tentative invitation thus extended with a categorical programme of subjects of discussion. It is only by comparison of views that a general accord can be reached as to the matters to be considered by the new conference. It is desirable that in the formulation of a programme the distinction should be kept clear between the matters which belong to the province of international law and those which are conventional as between individual governments.

The Final Act of the Hague Conference, dated July 29, 1899, kept this distinction clearly in sight. Among the broader general questions affecting the right and justice of the relation of sovereign states, which were then relegated to a future conference, were: the rights and duties of neutrals; the inviolability of private property in naval warfare; and the bombardment of ports, towns, and villages by a naval force. The other matters mentioned in the Final Act take the form of suggestions for consideration by interested governments.

The three points mentioned cover a large field. The first, especially, touching the rights and duties of neutrals, is of universal importance. Its rightful disposition affects the interests and well-being of all the world. The neutral is something more than an onlooker. His acts of omission or commission may have an influence — indirect, but tangible — on a war actually in progress; whilst, on the other hand, he may suffer from the exigencies of the belligerents. It is this phase of warfare which deeply concerns the world at large. Efforts have been made, time and again, to formulate rules of action applicable to its more material aspects, as in the Declarations of Paris. As recently as the 28th of April, of this year, the Congress of the United States adopted a resolution reading thus:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is the sense of the Congress of the United States that it is desirable, in the interest of uniformity of action by the maritime states of the world in time of war, that the President endeavor to bring about an understanding among the principal maritime powers with a view of incorporating into the permanent law of civilized nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerents.
>
> Approved, April 28, 1904.

Other matters closely affecting the rights of neutrals are: the distinction to be made between absolute and conditional contraband of war and the inviolability of the official and private correspondence of neutrals.

As for the duties of neutrals towards the belligerent, the field is scarcely less broad. One aspect deserves mention, from the promi-

nence it has acquired during recent times; namely, the treatment due to refugee belligerent ships in neutral ports.

It may also be desirable to consider and adopt a procedure by which states non-signatory to the original acts of the Hague Conference may become adhering parties.

You will explain to His Excellency the Minister for Foreign Affairs that the present overture for a second conference to complete the postponed work of the first conference is not designed to supersede other calls for the consideration of special topics, such as the proposition of the Government of the Netherlands, recently issued, to assemble for the purpose of amending the provisions of the existing Hague Convention with respect to hospital ships. Like all tentative conventions, that one is open to change in the light of practical experience, and the fullest deliberation is desirable to that end.

Finally, you will state the President's desire and hope that the undying memories which cling around The Hague as the cradle of the beneficent work which had its beginning in 1899 may be strengthened by holding the Second Peace Conference in that historic city.

I am, etc.,

JOHN HAY.

THE SECRETARY OF STATE TO THE REPRESENTATIVE OF THE UNITED STATES ACCREDITED TO EACH OF THE GOVERNMENTS SIGNATORIES TO THE ACTS OF THE HAGUE CONFERENCE, 1899

DEPARTMENT OF STATE,
WASHINGTON, December 16, 1904.

SIR: By the circular instruction dated October 21, 1904, the representatives of the United States accredited to the several governments which took part in the peace conference held at The Hague in 1899, and which joined in signing the acts thereof, were instructed to bring to the notice of those governments certain resolutions adopted by the Interparliamentary Union at its annual conference held at St. Louis in September last, advocating the assembling of a second peace conference to continue the work of the first, and were directed to ascertain to what extent those governments were disposed to act in the matter.

The replies so far received indicate that the proposition has been received with general favor. No dissent has found expression. The

Governments of Austria-Hungary, Denmark, France, Germany, Great Britain, Italy, Luxemburg, Mexico, the Netherlands, Portugal, Roumania, Spain, Sweden and Norway, and Switzerland exhibit sympathy with the purposes of the proposal and generally accept it in principle, with a reservation in most cases of future consideration of the date of the conference and the programme of subjects for discussion. The replies of Japan and Russia conveyed in like terms a friendly recognition of the spirit and purposes of the invitation, but on the part of Russia the reply was accompanied by the statement that, in the existing condition of things in the Far East, it would not be practicable for the Imperial Government, at this moment, to take part in such a conference. While this reply, tending as it does to cause some postponement of the proposed second conference, is deeply regretted, the weight of the motive which induces it is recognized by this Government and probably by others. Japan made the reservation only that no action should be taken by the conference relative to the present war.

Although the prospect of an early convocation of an august assembly of representatives of the nations in the interests of peace and harmony among them is deferred for the time being, it may be regarded as assured so soon as the interested powers are in a position to agree upon a date and place of meeting and to join in the formulation of a general plan for discussion. The President is much gratified at the cordial reception of his overtures. He feels that in eliciting the common sentiment of the various governments in favor of the principle involved and of the objects sought to be attained a notable step has been taken toward eventual success.

Pending a definite agreement for meeting when circumstances shall permit, it seems desirable that a comparison of views should be had among the participants as to the scope and matter of the subjects to be brought before the second conference. The invitation put forth by the Government of the United States did not attempt to do more than indicate the general topics which the Final Act of the First Conference of The Hague relegated, as unfinished matters, to consideration by a future conference — adverting, in connection with the important subject of the inviolability of private property in naval warfare, to the like views expressed by the Congress of the United States in its resolution adopted April 28, 1904, with the added suggestion that it may be desirable to consider and adopt a procedure by which

states non-signatory to the original acts of the Hague Conference may become adhering parties. In the present state of the project, this Government is still indisposed to formulate a programme. In view of the virtual certainty that the President's suggestion of The Hague as the place of meeting of a second peace conference will be accepted by all the interested powers, and in view also of the fact that an organized representation of the signatories of the Acts of 1899 now exists at that capital, this Government feels that it should not assume the initiative in drawing up a programme, nor preside over the deliberations of the signatories in that regard. It seems to the President that the high task he undertook in seeking to bring about an agreement of the powers to meet in a second peace conference is virtually accomplished so far as it is appropriate for him to act, and that, with the general acceptance of his invitation in principle, the future conduct of the affair may fitly follow its normal channels. To this end it is suggested that the further and necessary interchange of views between the signatories of the Acts of 1899 be effected through the International Bureau under the control of the Permanent Administrative Council of The Hague. It is believed that in this way, by utilizing the central representative agency established and maintained by the powers themselves, an orderly treatment of the preliminary consultations may be insured and the way left clear for the eventual action of the Government of the Netherlands in calling a renewed conference to assemble at The Hague, should that course be adopted.

You will bring this communication to the knowledge of the Minister for Foreign Affairs and invite consideration of the suggestions herein made.

I am, etc.,

JOHN HAY

THE HONORABLE ELIHU ROOT, SECRETARY OF STATE, TO THE RUSSIAN AMBASSADOR

[Memorandum]

DEPARTMENT OF STATE,
WASHINGTON, October 12, 1905.

On the 13th of last month, at Sagamore Hill, his excellency the ambassador of Russia presented to the President a memorandum, being a message from His Majesty the Tsar to the President, to the

effect that in view of the termination, with the cordial coöperation of the President, of the war, and of the conclusion of peace between Russia and Japan, His Imperial Majesty, as initiator of the International Peace Conference of 1899, deems the present a favorable moment for further developing and systematizing the labors of that conference, and that to this end, upon being assured in advance of the sympathy of the President, who last year pronounced himself in favor of such a project, His Majesty desires to approach the President with a proposal to the effect that the Government of the United States take part in a new international conference, which could be called together at The Hague as soon as favorable replies may be obtained from all the other states, to which a similar proposal is to be made.

The Secretary of State, by direction of the President, has the honor to confirm to his excellency the ambassador of Russia the assurances which the President had the sincere pleasure to give to his excellency at the time of the presentation of the memorandum of September 13. The President's circulars to the powers parties to the acts of the Hague Conference, which the late Secretary of State communicated to the several signatory states through the American envoys accredited thereto, dated, respectively, October 21 and December 16 of last year, have demonstrated the President's keen desire that upon a favorable occasion the labors of the First International Peace Conference might be supplemented and completed by an accord to be reached by a second conference of the powers. The suggestion so put forth having been accepted in principle by the signatories, it only remained for the opportune moment to come for the powers to agree upon the place and time for their renewed assemblage in order to perfect the beneficial agreements of the first conference.

The President most gladly welcomes the offer of His Imperial Majesty to again take upon himself the initiation of the steps requisite to convene a second international peace conference, as the necessary sequence to the first conference, brought about through His Majesty's efforts, and in view of the cordial responses to the President's suggestion of October, 1904, he doubts not that the project will meet with complete acceptation and that the result will be to bring the nations of the earth still more closely together in their common endeavor to advance the ends of peace.

As respects the further statement of his excellency's memorandum

of September 13, that, as the late war has given rise to a number of questions which are of the greatest importance and closely related to the acts of the first conference, the plenipotentiaries of Russia, at the future meeting, will lay before the conference a detailed programme which could serve as a starting-point for its deliberations, the President finds it in consonance with the indications of his circular of October 21, 1904, touching the questions to come before a second conference for discussion, and the importance of completing the work of the first conference by ample exchange of views and, it is to be hoped, full concord upon the broad questions specifically relegated by the Final Act of The Hague to the consideration of a future conference.

THE SECRETARY OF STATE TO THE RUSSIAN AMBASSADOR

DEPARTMENT OF STATE,
WASHINGTON, April 6, 1906.

EXCELLENCY: I have great pleasure in acknowledging the receipt of your note of the 3d instant, whereby you acquaint me with the instructions telegraphed to you by your Government to inform the Government of the United States that, in concert with the Dutch Government, it is proposed to convoke the Conference of The Hague during the first half of the month of July of the present year.

The President, to whom I hastened to communicate this information, charges me to express his deep sympathy with the contemplated purpose thus announced by His Imperial Majesty and his gratification at the prospect of the realization of a project in which he has heretofore expressed great interest, and which he trusts will redound to the welfare of all nations by promoting peace among them. It is the President's purpose to appoint plenipotentiaries to represent the United States at the forthcoming conference.

It behooves me, however, to say that, in the judgment of the President, the date suggested by the Imperial and the Dutch Governments for the assembling of the conference would be in a high degree embarrassing and inconvenient, not only to the United States but doubtless also to many other nations of the American hemisphere, owing to the fact that the 21st of July next has long been fixed for the meeting of the conference of all the American nations at Rio de Janeiro. Furthermore, so early a date as the first half of July does

not appear to be conformable to the understanding arrived at in respect to the Red Cross Congress to be held at Geneva in mid-June, which would manifestly not have an opportunity to complete its work in season for consideration and action by the participating governments before the time proposed for the meeting at The Hague. For these reasons, as well as for other practical considerations in regard to the difficulty that would beset the several governments taking part in these three important conferences at the same season, both as to their representation thereat, and as to the need of preserving a consistent harmony in the discussion of the allied topics which would necessarily come before the three conferences, the President is constrained to say, in all frankness, that so early a date as is proposed for the meeting of the Conference of The Hague appears to be extremely inexpedient; and that he would be obliged to say so in response to the formal joint invitation of the Imperial and Dutch Governments which is foreshadowed in your announcement of their intended proposal. As your note merely intimates the proposal of those two Governments to act in concert in the indicated sense, it is assumed that the present purpose of the Imperial Government is to invite the general acquiescence of the interested powers in the contemplated proposal in advance of the later communication of the formal invitation; hence it is proper in advance to acquaint the Imperial Government with the views of the United States in the matter of the date to be agreed upon.

I take note of the further statement that "Russia at the same time invites the nations which did not sign the convention relative to the laws of war on land, nor that relative to the adaptation of the Geneva Convention to war at sea, to inform the Royal Government of the Netherlands of their adhesion to these conventions. With regard to further adhesions to the convention concerning international arbitration, the Imperial Government is conferring on this subject with the governments which signed the acts of 1899."

As respects the latter proposition, the President has already, in the circulars of the Secretary of State dated October 21 and December 16, 1904, advocated the extension of the option of adherence to powers not represented at the conference of 1899, and he will welcome the suggested comparison of views looking to the conclusion of an agreement among the contracting powers in that sense, as contemplated by article 60 of the First Hague Convention of July 29, 1899.

The United States, being already an adhering party to the conventions mentioned, would gladly see other nations, not heretofore signatories or adherents, become in like manner parties to the beneficent engagements which were framed by the First Conference of The Hague, and to which the approaching second conference may rightly be expected to give wider scope and more effective application in the light of recent military developments and in view of the practical needs suggested by experience.

Due note is also taken of the programme of subjects for examination and discussion which the Imperial Government proposes to submit to the conference, and the Government of the United States reserves consideration thereof, with liberty to advance other proposals of an allied character should its own needs and experience counsel such a course.

Be pleased to accept, etc.,

ELIHU ROOT

His Excellency BARON ROSEN,
etc., etc., etc.,
Washington.

THE RUSSIAN AMBASSADOR TO THE SECRETARY OF STATE

[Translation]

IMPERIAL EMBASSY OF RUSSIA,
WASHINGTON, April 12, 1906.

MR. SECRETARY OF STATE: When it assumed the initiative of calling a second peace conference, the Imperial Government had in view the necessity of further developing the humanitarian principles on which was based the work accomplished by the great international assemblage of 1899.

At the same time, it deemed it expedient to enlarge as much as possible the number of states participating in the labors of the contemplated conference, and the alacrity with which the call was answered bears witness to the depth and breadth of the present sentiment of solidarity for the application of ideas aiming at the good of all mankind.

The first conference separated in the firm belief that its labors would subsequently be perfected from the effect of the regular progress of enlightenment among the nations and abreast of the results acquired from experience. Its most important creation, the Inter-

national Court of Arbitration, is an institution that has already proved its worth and brought together, for the good of all, an areopagus of jurists who command the respect of the world. How much good could be accomplished by international commissions of inquiry towards the settlement of disputes between states has also been shown.

There are, however, certain improvements to be made in the convention relative to the peaceful settlement of international disputes. Following recent arbitrations, the jurists assembled in court have raised certain questions of details which should be acted upon by adding to the said convention the necessary amplifications. It would seem especially desirable to lay down fixed principles in regard to the use of languages in the proceedings in view of the difficulties that may arise in the future as the cases referred to arbitral jurisdiction multiply. The *modus operandi* of international commissions of inquiry would likewise be open to improvement.

As regards the regulating of the laws and customs of war on land, the provisions established by the first conference ought also to be completed and defined, so as to remove all misapprehensions.

As for maritime warfare, in regard to which the laws and customs of the several countries differ on certain points, it is necessary to establish fixed rules in keeping with the exigencies of the rights of belligerents and the interests of neutrals.

A convention bearing on these subjects should be framed and would constitute one of the most prominent parts of the tasks devolved upon the forthcoming conference.

Holding, therefore, that there is at present occasion only to examine questions that demand special attention as being the outcome of the experience of recent years, without touching upon those that might have reference to the limitation of military or naval forces, the Imperial Government proposes for the programme of the contemplated meeting the following main points:—

1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regards the Court of Arbitration and the international commissions of inquiry.

2. Additions to be made to the provisions of the convention of 1899 relative to the laws and customs of war on land — among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declarations of 1899. One of these having expired, question of its being revived.

3. Framing of a convention relative to the laws and customs of maritime warfare, concerning —

The special operations of maritime warfare, such as the bombardment of ports, cities, and villages by a naval force; the laying of torpedoes, etc.

The transformation of merchant vessels into war ships.

The private property of belligerents at sea.

The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities.

The rights and duties of neutrals at sea — among others the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major*, of neutral merchant vessels captured as prizes.

In the said convention to be drafted, there would be introduced the provisions relative to war on land that would be also applicable to maritime warfare.

4. Additions to be made to the convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864.

As was the case at the conference of 1899, it would be well understood that deliberations of the contemplated meeting should not deal with the political relations of the several states, or the condition of things established by treaties, or in general with questions that did not directly come within the programme adopted by the several cabinets.

The Imperial Government desires distinctly to state that the data of this programme and the eventual acceptance of the several states clearly do not prejudge the opinion that may be delivered in the conference in regard to the solving of the questions brought up for discussion. It would likewise be for the contemplated meeting to decide as to the order of the questions to be examined and the form to be given to the decisions reached, as to whether it should be deemed preferable to include some of them in new conventions or to append them, as additions, to conventions already existing.

In formulating the above-mentioned programme, the Imperial Government bore in mind, as far as possible, the recommendations made by the First Peace Conference, with special regard to the rights and duties of neutrals, the private property of belligerents at sea, the

bombardment of ports, cities, etc. It entertains the hope that the Government of the United States will take the whole of the points proposed as the expression of a wish to come nearer that lofty ideal of international justice that is the permanent goal of the whole civilized world.

By order of my Government, I have the honor to acquaint you with the foregoing, and awaiting the reply of the Government of the United States with as little delay as possible, I embrace this opportunity to beg you, Mr. Secretary of State, to accept the assurance of my very high consideration.

ROSEN

THE RUSSIAN AMBASSADOR TO THE SECRETARY OF STATE

[Translation]

IMPERIAL EMBASSY OF RUSSIA,
WASHINGTON, April 12, 1906.

MR. SECRETARY OF STATE: Supplementing the note dated April 12, relative to the programme of the Second Peace Conference, I am charged by the Imperial Government to submit to the favorable attention of the Government of the United States the following considerations: —

The inclosed list shows that among the States invited to participate in the labors of the contemplated meeting there are several that have not taken part in the first conference of 1899. It can but subserve the lofty purpose pursued by these great humanitarian gatherings to increase the number of the powers which join in agreements so beneficial to universal peace. But, on the other hand, a difficulty, of form only, that stands in the way of the admission, pure and simple, of new States must be taken into account. If, as supposed by the Imperial Government, the forthcoming conference is to be called upon to perfect the provisions of 1899, a formal adhesion to the three conventions of The Hague should be formulated by the States which have newly convoked and would, thereafter, take part in the general deliberations over the additions or amendments to the said provisions.

As to the convention relative to the peaceful settlement of international disputes, it contains in article 60 the following stipulation concerning eventual accessions: "The conditions on which the powers

who were not represented at the International Peace Conference can adhere to the present convention shall form the subject of a subsequent agreement among the contracting powers." As the agreement thus referred to has not been effected, it seems necessary to find a practical means of adjusting this formality, and the Imperial Government suggests that, on the opening of the second conference, the representatives of the States parties to the first conference sign the following protocol:—

> The Representatives at the Second Peace Conference of the States signatories of the Convention of 1899 relative to the peaceful settlement of international disputes, duly authorized to that effect, have agreed that in case the States that were not represented at the First Peace Conference, but have been convoked to the present Conference, should notify the Government of the Netherlands of their adhesion to the above-mentioned Convention they shall be forthwith considered as having acceded thereto.

If the Government of the United States, as well as the Governments of other States parties to the First Peace Conference to which the foregoing has likewise been made known, should express its assent to this course being adopted, the Imperial Government would lose no time in advising the States newly convoked to the second conference.

As there is no clause similar to that of article 60 in the convention relative to the peaceful settlement of international disputes applicable to the other two conventions of 1899, the Imperial Government has addressed to the newly convoked States a request that they immediately forward to the Government of the Netherlands their adhesion to the last two conventions mentioned.

Awaiting a favorable answer of the Government of the United States in regard to the suggestion herein above formulated as to the mode of accession of the new States to the convention concerning the peaceful settlement of international disputes, I embrace the opportunity to renew to you the assurance of my high consideration.

ROSEN

[Inclosure — Translation]

LIST OF STATES INVITED TO PARTICIPATE IN THE LABORS OF THE SECOND CONFERENCE OF THE HAGUE

[Arranged in the English alphabetical order]

1. Argentine Republic
2. Austria-Hungary
3. Belgium
4. Bolivia
5. Brazil (U. S. of)
6. Bulgaria
7. Chile
8. China
9. Colombia
10. Costa Rica
11. Cuba
12. Denmark
13. Dominican Republic
14. Ecuador
15. Ethiopia
16. France
17. Germany
18. Great Britain
19. Greece
20. Guatemala
21. Haiti
22. Honduras
23. Italy
24. Japan
25. Korea
26. Luxemburg
27. Mexico
28. Montenegro
29. Netherlands
30. Nicaragua
31. Norway
32. Panama
33. Paraguay
34. Persia
35. Peru
36. Portugal
37. Roumania
38. Salvador
39. Servia
40. Siam
41. Spain
42. Sweden
43. Switzerland
44. Turkey
45. United States
46. Uruguay
47. Venezuela

State that has declined the invitation: Panama.

States that have not yet returned an answer: Korea, Ecuador, Nicaragua, Uruguay, and Venezuela.[1]

THE RUSSIAN AMBASSADOR TO THE SECRETARY OF STATE

[Translation]

Imperial Embassy of Russia,
Washington, D. C., March 22/April 4, 1907.

The undersigned, ambassador of Russia, by order of his Government, has the honor to make the following communication to His Excellency the Secretary of State of the United States: —

Before the Second Peace Conference is called, the Imperial Government deems it an obligation to submit to the Powers which have accepted its invitation a statement of the present situation.

[1] Panama eventually accepted the invitation and was represented at the conference. Korea, by reason of its absorption by Japan, forfeited its right of independent representation. Ecuador, Nicaragua, Uruguay, and Venezuela accepted the invitation and were represented at the conference. Costa Rica failed to send representatives, and those of Honduras were admitted so near the close of the conference that they took no part in its work and their names do not appear in the list of delegates of the Final Act. Ethiopia was not represented. — Editor.

All the Powers to which the Imperial Government communicated in April, 1906, its tentative programme of the labors of the new conference have declared their adhesion thereto.

However, the following remarks have been made with respect to that programme:—

The Government of the United States has reserved to itself the liberty of submitting to the Second Conference two additional questions, viz., the reduction or limitation of armaments and the attainment of an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts.

The Spanish Government has expressed a desire to discuss the limitation of armaments, reserving to itself the right to deal with this question at the next meeting at The Hague.

The British Government has given notice that it attaches great importance to having the question of expenditures for armament discussed at the conference, and has reserved to itself the right of raising it. It has also reserved to itself the right of taking no part in the discussion of any question mentioned in the Russian programme which would appear to it unlikely to produce any useful result.

Japan is of opinion that certain questions that are not especially enumerated in the programme might be conveniently included among the subjects for consideration, and reserves to itself the right to take no part in or withdraw from any discussion taking or tending to take a trend which, in its judgment, would not be conducive to any useful result.

The Governments of Bolivia, Denmark, Greece, and the Netherlands have also reserved to themselves, in a general way, the right to submit to the consideration of the conference other subjects similar to those that are explicitly mentioned in the Russian programme.

The Imperial Government deems it its duty to declare, for its part, that it maintains its programme of the month of April, 1906, as the basis for the deliberations of the conference, and that if the conference should broach a discussion that would appear to it unlikely to end in any practical issue it reserves to itself, in its turn, the right to take no part in such a discussion.

Remarks similar to this last have been made by the German and Austro-Hungarian Governments, which have likewise reserved to themselves the right to take no part in the discussion by the con-

ference of any question which would appear unlikely to end in any practical issue.

In bringing these reservations to the knowledge of the Powers and with the hope that the labors of the Second Peace Conference will create new guaranties for the good understanding of the nations of the civilized world, the Imperial Government has addressed to the Government of the Netherlands a request that it may be pleased to call the conference for the first days of June.

The undersigned embraces this opportunity to renew to His Excellency Mr. Root the assurances of his highest consideration.

ROSEN

THE NETHERLANDS MINISTER TO THE SECRETARY OF STATE

[Translation]

ROYAL LEGATION OF THE NETHERLANDS,
WASHINGTON, D. C., May 7, 1907.

MR. SECRETARY OF STATE: By order of my Government, I have the honor to advise your excellency that the Cabinet of St. Petersburg has notified the Government of the Queen that all the Governments which took part in the First Peace Conference have accepted the proposition, addressed to them by the Imperial Government, that they sign, before the opening of the forthcoming Peace Conference, a special protocol concerning the mode of adhesion to the convention for the peaceful settlement of international disputes on the part of the Powers which did not take part in the First Conference but have been invited to the Second Conference.

The protocol, of which the text is appended hereto, shall be signed at The Hague, at 2 P.M. on June 14 next, in the Hall of Truce.

I am instructed by my Government to ask that the American Government will supply its representatives at The Hague with the requisite full powers to sign the protocol on the above-indicated date.

Hereby complying with my orders, I beg that your excellency will kindly let me know what reception is to be given to this request, and embrace the opportunity to renew to your excellency the assurance of my highest consideration.

VAN SWINDEREN

[Inclosure]

The Representatives, at the Second Peace Conference, of the States signatory to the Convention of 1899 relative to the pacific settlement of international disputes, duly authorized to that effect, have agreed that in case the States which were not represented at the First Peace Conference but have been invited to the present Conference should notify the Netherlands Government of their adhesion to the above-mentioned Convention they would forthwith be considered as having acceded thereto.

THE PEACE CONFERENCE OF 1907

FINAL ACT AND CONVENTIONS OF THE SECOND PEACE CONFERENCE

SIGNED OCTOBER 18, 1907

ACTE FINAL

La Deuxième Conférence Internationale de la Paix, proposée d'abord par Monsieur le Président des États-Unis d'Amérique, ayant été, sur l'invitation de Sa Majesté l'Empereur de Toutes les Russies, convoquée par Sa Majesté la Reine des Pays-Bas, s'est réunie le 15 Juin 1907 à La Haye, dans la Salle des Chevaliers, avec la mission de donner un développement nouveau aux principes humanitaires qui ont servi de base à l'œuvre de la Première Conférence de 1899.

Les Puissances, dont l'énumération suit, ont pris part à la Conférence, pour laquelle Elles avaient désigné les Délégués nommés ci-après:

L'ALLEMAGNE

Son Exc. le Baron Marschall

THE FINAL ACT

The Second International Peace Conference, proposed in the first instance by the President of the United States of America, having been convoked, on the invitation of His Majesty the Emperor of All the Russias, by Her Majesty the Queen of the Netherlands, assembled on the 15th June, 1907, at The Hague, in the Hall of the Knights, for the purpose of giving a fresh development to the humanitarian principles which served as a basis for the work of the First Conference of 1899.

The following powers took part in the conference, and appointed the delegates named below:

GERMANY

His Excellency Baron Mar-

de Bieberstein, Ministre d État, Ambassadeur Impérial à Constantinople, Premier Délégué Plénipotentiaire;

M. Kriege, Envoyé Impérial en Mission extraordinaire à la présente Conférence, Conseiller Intime de Légation et Jurisconsulte au Département des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Second Délégué Plénipotentiaire;

M. le Contre-Amiral Siegel, Attaché Naval à l'Ambassade Impériale à Paris, Délégué de la Marine;

M. le Major-Général de Gündell, Quartier-Maître Supérieur du Grand État-major de l'Armée Royale de Prusse, Délégué militaire;

M. Zorn, Professeur à la Faculté de Droit de l'Université de Bonn, Conseiller Intime de Justice, Membre de la Chambre des Seigneurs de Prusse, et Syndic de la Couronne, Délégué scientifique;

M. Göppert, Conseiller de Légation et Conseiller adjoint au Département des Affaires Étrangères, Délégué adjoint;

M. Retzmann, Capitaine-Lieutenant de l'État-major général de la Marine, Délégué adjoint de la Marine.

LES ÉTATS-UNIS D'AMÉRIQUE

Son Exc. M. Joseph H. Choate,

schall de Bieberstein, Minister of State, Imperial Ambassador at Constantinople, First Delegate Plenipotentiary;

M. Kriege, Imperial Envoy on Extraordinary Mission at the present Conference, Privy Councilor of Legation and Legal Advisor to the Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Rear Admiral Siegel, Naval Attaché to the Imperial Embassy at Paris, Naval Delegate;

Major-General de Gündell, Quartermaster-General of the General Staff of the Royal Prussian Army, Military Delegate;

M. Zorn, Professor to the Faculty of Law at the University of Bonn, Judicial Privy Councilor, Member of the Prussian Upper Chamber, and Crown Syndic, Scientific Delegate;

M. Göppert, Councilor of Legation and Councilor attached to the Department for Foreign Affairs, Assistant Delegate;

M. Retzmann, Lieutenant-Commander on the Naval General Staff, Assistant Naval Delegate.

UNITED STATES OF AMERICA

His Excellency Mr. Joseph H.

ancien Ambassadeur à Londres, Ambassadeur extraordinaire, Délégué Plénipotentiaire;

Son Exc. M. Horace Porter, ancien Ambassadeur à Paris, Ambassadeur extraordinaire, Délégué Plénipotentiaire;

Son Exc. M. Uriah M. Rose, Ambassadeur extraordinaire, Délégué Plénipotentiaire;

Son Exc. M. David Jayne Hill, ancien Sous-Secrétaire d'État des Affaires Étrangères, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. le Contre-Amiral Charles S. Sperry, ancien Président de l'École de Guerre maritime, Ministre Plénipotentiaire, Délégué Plénipotentiaire;

M. le Général de Brigade George B. Davis, Chef de la Justice militaire de l'Armée des États-Unis, Ministre plénipotentiaire, Délégué Plénipotentiaire;

M. William I. Buchanan, ancien Ministre à Buenos Ayres, ancien Ministre au Panama, Ministre plénipotentiaire, Délégué Plénipotentiaire;

M. James Brown Scott, Jurisconsulte du Département d'État des Affaires Étrangères, Délégué technique;

M. Charles Henry Butler, Rapporteur de la Cour Suprême, Délégué technique.

Choate, ex-Ambassador at London, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. Horace Porter, ex-Ambassador at Paris, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. David Jayne Hill, ex-Assistant Secretary of State, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Rear Admiral Charles S. Sperry, ex-President of the Naval War College, Minister Plenipotentiary, Delegate Plenipotentiary;

Brigadier General George B. Davis, Judge Advocate General of the United States Army, Minister Plenipotentiary, Delegate Plenipotentiary;

Mr. William I. Buchanan, ex-Minister at Buenos Ayres, ex-Minister at Panama, Minister Plenipotentiary, Delegate Plenipotentiary;

Mr. James Brown Scott, Solicitor for the Department of State, Technical Delegate;

Mr. Charles Henry Butler, Reporter of the Supreme Court, Technical Delegate.

La République Argentine

Son Exc. M. Roque Saenz Peña, ancien Ministre des Affaires Étrangères, Envoyé extraordinaire et Ministre plénipotentiaire à Rome, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Luis M. Drago, ancien Ministre des Affaires Étrangères, Député, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Carlos Rodriguez Larreta, ancien Ministre des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. le Général Francisco Reynolds, Attaché militaire à Berlin, Délégué technique.

M. le Capitaine de vaisseau Juan A. Martin, ancien Ministre de la Marine, Attaché naval à Londres, Délégué technique.

The Argentine Republic

His Excellency M. Roque Saenz Peña, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Luis M. Drago, ex-Minister for Foreign Affairs, Deputy, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Carlos Rodriguez Larreta, ex-Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

General Francisco Reynolds, Military Attaché at Berlin, Technical Delegate;

Captain Juan A. Martin, ex-Minister of Marine, Naval Attaché at London, Technical Delegate.

L'Autriche-Hongrie

Son Exc. M. Gaëtan Mérey de Kapos-Mére, Conseiller intime de Sa Majesté Impériale et Royale Apostolique, Ambassadeur extraordinaire et plénipotentiaire, Premier Délégué Plénipotentiaire;

Son Exc. le Baron Charles de Macchio, Envoyé extraordinaire et Ministre plénipotentiaire à Athènes, Second Délégué Plénipotentiaire;

Austria-Hungary

His Excellency M. Gaëtan Mérey de Kapos-Mére, Privy Councilor of His Imperial and Royal Apostolic Majesty, Ambassador Extraordinary and Plenipotentiary, First Delegate Plenipotentiary;

His Excellency Baron Charles de Macchio, Envoy Extraordinary and Minister Plenipotentiary at Athens, Second Delegate Plenipotentiary;

M. Henri Lammasch, Professeur à l'Université de Vienne, Conseiller aulique, Membre de la Chambre des Seigneurs du Reichsrath autrichien, Membre de la Cour permanente d'Arbitrage, Délégué scientifique;

M. Antoine Haus, Contre-Amiral, Délégué naval;

M. le Baron Wladimir Giesl de Gieslingen, Major-Général, Plénipotentiaire militaire à l'Ambassade Impériale et Royale à Constantinople et à la Légation Impériale et Royale à Athènes, Délégué militaire;

M. le Chevalier Othon de Weil, Conseiller aulique et ministériel au Ministère de la Maison Impériale et Royale et des Affaires Étrangères, Délégué;

M. Jules Szilassy de Szilas et Pilis, Conseiller de Légation, Délégué;

M. Emile Konek de Norwall, Lieutenant de Vaisseau de première classe, Délégué adjoint.

La Belgique

Son Exc. M. A. Beernaert, Ministre d'État, Membre de la Chambre des Représentants, Membre de l'Institut de France et des Académies Royales de Belgique et de Roumanie, Membre d'honneur de l'Institut de Droit international, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. Henri Lammasch, Professor at the University of Vienna, Aulic Councilor, Member of the Austrian Upper Chamber of the Reichsrath, Member of the Permanent Court of Arbitration, Scientific Delegate;

M. Antoine Haus, Rear Admiral, Naval Delegate;

Baron Wladimir Giesl de Gieslingen, Major General, Military Plenipotentiary at the Imperial and Royal Embassy at Constantinople and at the Imperial and Royal Legation at Athens, Military Delegate;

The Chevalier Othon de Weil, Aulic and Ministerial Councilor at the Ministry of the Imperial and Royal Household and of Foreign Affairs, Delegate;

M. Jules Szilassy de Szilas et Pilis, Councilor of Legation, Delegate;

M. Emile Konek de Norwall, Naval Lieutenant of the First Class, Assistant Delegate.

Belgium

His Excellency M. A. Beernaert, Minister of State, Member of the Chamber of Representatives, Member of the Institute of France and of the Royal Academies of Belgium and Roumania, Honorary Member of the Institute of International Law, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

Son Exc. M. J. van den Heuvel, Ministre d'État, ancien Ministre de la Justice, Délégué Plénipotentiaire;

Son Exc. le Baron Guillaume, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Membre de l'Académie Royale de Roumanie, Délégué Plénipotentiaire.

His Excellency M. J. van den Heuvel, Minister of State, ex-Minister of Justice, Delegate Plenipotentiary;

His Excellency Baron Guillaume, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania, Delegate Plenipotentiary.

La Bolivie

Son Exc. M. Claudio Pinilla, Ministre des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Fernando E. Guachalla, Ministre plénipotentiaire à Londres, Délégué Plénipotentiaire.

Bolivia

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London, Delegate Plenipotentiary.

Le Brésil

Son Exc. M. Ruy Barbosa, Ambassadeur extraordinaire et plénipotentiaire, Vice-Président du Sénat, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Eduardo F. S. dos Santos Lisbôa, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. le Colonel Roberto Trompowsky Leitâo de Almeida, Attaché militaire à La Haye, Délégué technique;

M. le Capitaine de Frégate

Brazil

His Excellency M. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Vice-President of the Senate, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Colonel Roberto Trompowsky Leitâo de Almeida, Military Attaché at The Hague, Technical Delegate;

Commander Tancredo Burla-

Tancredo Burlamaqui de Moura, Délégué technique.

La Bulgarie

M. le Général-Major de l'État-Major Vrban Vinaroff, Général à la Suite, Premier Délégué Plénipotentiaire;

M. Ivan Karandjouloff, Procureur Général de la Cour de Cassation, Second Délégué Plénipotentiaire;

M. le Capitaine de Frégate S. Dimitrieff, Chef de l'État-Major de la Flottille Bulgare, Délégué.

Le Chili

Son Exc. M. Domingo Gana, Envoyé extraordinaire et Ministre plénipotentiaire à Londres, Délégué Plénipotentiaire;

Son Exc. M. Augusto Matte, Envoyé extraordinaire et Ministre plénipotentiaire à Berlin, Délégué Plénipotentiaire;

Son Exc. M. Carlos Concha, ancien Ministre de la Guerre, ancien Président de la Chambre des Députés, ancien Envoyé extraordinaire et Ministre plénipotentiaire à Buenos-Ayres, Délégué Plénipotentiaire.

La Chine

Son Exc. M. Lou Tseng-Tsiang, Ambassadeur extraordinaire, Délégué Plénipotentiaire;

Son Exc. The Honourable John

maqui de Moura, Technical Delegate.

Bulgaria

Major General on the Staff Vrban Vinaroff, General *à la suite*, First Delegate Plenipotentiary;

M. Ivan Karandjouloff, Procureur General of the Court of Cassation, Second Delegate Plenipotentiary;

Commander S. Dimitrieff, Chief of the Staff of the Bulgarian Flotilla, Delegate.

Chile

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary at London, Delegate Plenipotentiary;

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary at Berlin, Delegate Plenipotentiary;

His Excellency M. Carlos Concha, ex-Minister of War, ex-President of the Chamber of Deputies, ex-Envoy Extraordinary and Minister Plenipotentiary at Buenos Ayres, Delegate Plenipotentiary.

China

His Excellency M. Lou Tseng-Tsiang, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency the Honorable

W. Foster, ancien Secrétaire d'État au Département des Affaires Étrangères des États-Unis d'Amérique, Délégué Plénipotentiaire;

Son Exc. M. Tsien-Sun, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. le Colonel W. S. Y. Tinge, Chef du Bureau de Justice militaire au Ministère de la Guerre, Délégué militaire;

M. Tchang Tching Tong, Secrétaire de Légation, Délégué adjoint;

M. Tchao-Hi-Tchiou, ancien Secrétaire de la Mission et de la Légation Impériale de Chine à Paris et à Rome, Délégué adjoint.

John W. Foster, ex-Secretary of State of the United States of America, Delegate Plenipotentiary;

His Excellency M. Tsien-Sun, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Colonel W. S. Y. Tinge, Judge Advocate General at the War Office, Military Delegate;

M. Tchang Tching Tong, Secretary of Legation, Assistant Delegate;

M. Tchao-Hi-Tchiou, ex-Secretary of the Imperial Chinese Mission and Legation at Paris and Rome, Assistant Delegate.

La Colombie

M. le Général Jorge Holguin, Délégué Plénipotentiaire;

M. Santiago Perez Triana, Délégué Plénipotentiaire;

Son Exc. le Général M. Vargas, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Délégué Plénipotentiaire.

Colombia

General Jorge Holguin, Delegate Plenipotentiary;

M. Santiago Perez Triana, Delegate Plenipotentiary;

His Excellency General M. Vargas, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

La République de Cuba

M. Antonio Sanchez de Bustamante, Professeur de Droit International à l'Université de la Havane, Sénateur de la République, Délégué Plénipotentiaire;

Son Exc. M. Gonzalo de

The Republic of Cuba

M. Antonio Sanchez de Bustamante, Professor of International Law at the University of Havana, Senator of the Republic, Delegate Plenipotentiary;

His Excellency M. Gonzalo de

Quesada y Aróstegui, Envoyé extraordinaire et Ministre plénipotentiaire à Washington, Délégué Plénipotentiaire;

M. Manuel Sanguily, ancien Directeur de l'Institut d'enseignement secondaire de la Havane, Sénateur de la République, Délégué Plénipotentiaire.

Le Danemark

Son Exc. M. C. Brun, Envoyé extraordinaire et Ministre plénipotentiaire à Washington, Premier Délégué Plénipotentiaire;

M. le Contre-Amiral C. F. Scheller, Deuxième Délégué Plénipotentiaire;

M. A. Vedel, Chambellan, Chef de Section au Ministère Royal des Affaires Étrangères, Troisième Délégué Plénipotentiaire.

La République Dominicaine

M. Francisco Henriquez i Carvajal, ancien Ministre des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. Apolinar Tejera, Recteur de l'Institut Professionnel de Saint Domingue, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire.

La République de l'Equateur

Son Exc. M. Victor Rendón, Envoyé extraordinaire et Mi-

Quesada y Aróstegui, Envoy Extraordinary and Minister Plenipotentiary at Washington, Delegate Plenipotentiary;

M. Manuel Sanguily, ex-Director of the Institute of Secondary Education at Havana, Senator of the Republic, Delegate Plenipotentiary.

Denmark

His Excellency M. C. Brun, Envoy Extraordinary and Minister Plenipotentiary at Washington, First Delegate Plenipotentiary;

Rear Admiral C. F. Scheller, Second Delegate Plenipotentiary;

M. A. Vedel, Chamberlain, Head of Department at the Royal Ministry for Foreign Affairs, Third Delegate Plenipotentiary.

The Dominican Republic

M. Francisco Henriquez i Carvajal, ex-Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

M. Apolinar Tejera, Rector of the Professional Institute of Santo Domingo, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary.

The Republic of Ecuador

His Excellency M. Victor Rendón, Envoy Extraordinary and

nistre plénipotentiaire à Paris et à Madrid, Délégué Plénipotentiaire;

M. Enrique Dorn y de Alsúa, Chargé d'Affaires, Délégué Plénipotentiaire.

L'Espagne

Son Exc. M. W. R. de Villa-Urrutia, Sénateur, ancien Ministre des Affaires Étrangères, Ambassadeur extraordinaire et plénipotentiaire à Londres, Premier Délégué Plénipotentiaire;

Son Exc. M. José de la Rica y Calvo, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. Gabriel Maura y Gamazo, Comte de la Mortera, Député aux Cortès, Délégué Plénipotentiaire;

M. J. Jofre Montojo, Colonel d'État Major, Aide de Camp du Ministre de la Guerre, Délégué adjoint militaire;

M. le Capitaine de Vaisseau Francisco Chacon, Délégué adjoint naval.

La France

Son Exc. M. Léon Bourgeois, Ambassadeur extraordinaire, Sénateur, ancien Président du Conseil, ancien Ministre des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué, premier Plénipotentiaire;

Minister Plenipotentiary at Paris and Madrid, Delegate Plenipotentiary;

M. Enrique Dorn y de Alsúa, Chargé d'Affaires, Delegate Plenipotentiary.

Spain

His Excellency M. W. R. de Villa-Urrutia, Senator, ex-Minister for Foreign Affairs, Ambassador Extraordinary and Plenipotentiary at London, First Delegate Plenipotentiary;

His Excellency M. José de la Rica y Calvo, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

M. Gabriel Maura y Gamazo, Count de la Mortera, Deputy to the Cortes, Delegate Plenipotentiary;

M. J. Jofre Montojo, Colonel on the Staff, Aide-de-Camp to the Minister of War, Assistant Military Delegate;

Captain Francisco Chacon, Assistant Naval Delegate.

France

His Excellency M. Léon Bourgeois, Ambassador Extraordinary, Senator, ex-President of the Council, ex-Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate, First Plenipotentiary;

M. le Baron d'Estournelles de Constant, Sénateur, Ministre plénipotentiaire de première Classe, Membre de la Cour permanente d'Arbitrage, Délégué, deuxième Plénipotentiaire;

M. Louis Renault, Professeur à la Faculté de Droit de Paris, Ministre plénipotentiaire honoraire, Jurisconsulte du Ministère des Affaires Étrangères, Membre de l'Institut, Membre de la Cour permanente d'Arbitrage, Délégué, troisième Plénipotentiaire;

Son Exc. M. Marcellin Pellet, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué, quatrième Plénipotentiaire;

M. le Général de Division Amourel, Délégué militaire;

M. le Contre-Amiral Arago, Délégué de la Marine;

M. Fromageot, Avocat à la Cour d'Appel de Paris, Délégué technique;

M. le Capitaine de Vaisseau Lacaze, deuxième Délégué de la Marine;

M. le Lieutenant-Colonel Siben, Attaché militaire à Bruxelles et à La Haye, deuxième Délégué militaire.

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, Member of the Permanent Court of Arbitration, Delegate, Second Plenipotentiary;

M. Louis Renault, Professor in the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, Member of the Institute, Member of the Permanent Court of Arbitration, Delegate, Third Plenipotentiary;

His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate, Fourth Plenipotentiary;

General of Division Amourel, Military Delegate;

Rear Admiral Arago, Naval Delegate;

M. Fromageot, Advocate at the Court of Appeal at Paris, Technical Delegate;

Captain Lacaze, Second Naval Delegate;

Lieutenant Colonel Siben, Military Attaché at Brussels and The Hague, Second Military Delegate.

La Grande-Bretagne

Son Exc. The Right Honourable Sir Edward Fry, G. C. B., Membre du Conseil privé, Am-

Great Britain

His Excellency the Right Honorable Sir Edward Fry, G. C. B., Member of the Privy Council,

bassadeur extraordinaire, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. The Right Honourable Sir Ernest Mason Satow, G. C. M. G., Membre du Conseil privé, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. The Right Honourable Lord Reay, G. C. S. I., G. C. I. E., Membre du Conseil privé, ancien Président de l'Institut de Droit international, Délégué Plénipotentiaire;

Son Exc. Sir Henry Howard, K. C. M. G., C. B., Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. le Général de Division Sir Edmond R. Elles, G. C. I. E., K. C. B., Délégué militaire;

M. le Capitaine de Vaisseau C. L. Ottley, M. V. O., R. N., A. D. C., Délégué naval;

M. Eyre Crowe, Conseiller d'Ambassade, Délégué technique, premier Secrétaire de la Délégation;

M. Cecil Hurst, Conseiller d'Ambassade, Délégué technique, Conseiller légal de la Délégation;

M. le Lieutenant-Colonel, The Honourable Henry Yarde-Buller, D. S. O., Attaché militaire à La Haye, Délégué technique;

Ambassador Extraordinary, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency the Right Honorable Sir Ernest Mason Satow, G. C. M. G., Member of the Privy Council, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency the Right Honorable Lord Reay, G. C. S. I., G. C. I. E., Member of the Privy Council, ex-President of the Institute of International Law, Delegate Plenipotentiary;

His Excellency Sir Henry Howard, K. C. M. G., C. B., Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Lieutenant General Sir Edmond R. Elles, G. C. I. E., K. C. B., Military Delegate;

Captain C. L. Ottley, M. V. O., R. N., A. D. C., Naval Delegate;

Mr. Eyre Crowe, Councilor of Embassy, Technical Delegate, First Secretary to the Delegation;

Mr. Cecil Hurst, Councilor of Embassy, Technical Delegate, Legal Adviser to the Delegation;

Lieutenant Colonel the Honorable Henry Yarde-Buller, D. S. O., Military Attaché at The Hague, Technical Delegate;

M. le Capitaine de Frégate J. R. Segrave, R. N., Délégué technique;

M. le Commandant George K. Cockerill, Chef de Section à l'État-Major de l'Armée, Délégué technique.

Commander J. R. Segrave, R. N., Technical Delegate;

Major George K. Cockerill, General Staff, Technical Delegate.

LA GRÈCE

Son Exc. M. Cléon Rizo Rangabé, Envoyé extraordinaire et Ministre plénipotentiaire à Berlin, Premier Délégué Plénipotentiaire;

M. Georges Streit, Professeur de Droit International à l'Université d'Athènes, Membre de la Cour permanente d'Arbitrage, Second Délégué Plénipotentiaire;

M. le Colonel d'artillerie C. Sapountzakis, Chef de l'État-Major Général, Délégué technique.

GREECE

His Excellency M. Cléon Rizo Rangabé, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary;

M. Georges Streit, Professor of International Law at the University of Athens, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Colonel of Artillery C. Sapountzakis, Chief of the General Staff, Technical Delegate.

LE GUATÉMALA

M. José Tible Machado, Chargé d'Affaires à La Haye et à Londres, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. Enrique Gomez Carrillo, Chargé d'Affaires à Berlin, Délégué Plénipotentiaire.

GUATEMALA

M. José Tible Machado, Chargé d'Affaires at The Hague and London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

M. Enrique Gomez Carrillo, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

LA RÉPUBLIQUE D'HAÏTI

Son Exc. M. Jean Joseph Dalbémar, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Délégué Plénipotentiaire;

THE REPUBLIC OF HAITI

His Excellency M. Jean Joseph Dalbémar, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary;

Son Exc. M. J. N. Léger, Envoyé extraordinaire et Ministre plénipotentiaire à Washington, Délégué Plénipotentiaire;

M. Pierre Hudicourt, ancien Professeur de Droit International Public, Avocat du Barreau de Port-au-Prince, Délégué Plénipotentiaire.

L'Italie

Son Exc. le Comte Joseph Tornielli Brusati di Vergano, Sénateur du Royaume, Ambassadeur de Sa Majesté le Roi à Paris, Membre de la Cour permanente d'Arbitrage, Président de la Délégation Italienne, Délégué Plénipotentiaire;

Son Exc. M. Guido Pompilj, Député au Parlement, Sous-Secrétaire d'État au Ministère Royal des Affaires Étrangères, Délégué Plénipotentiaire;

M. Guido Fusinato, Conseiller d'État, Député au Parlement, ancien Ministre de l'Instruction, Délégué Plénipotentiaire;

M. Marius Nicolis de Robilant, Général de Brigade, Délégué technique;

M. François Castiglia, Capitaine de Vaisseau, Délégué technique.

Le Japon

Son Exc. M. Keiroku Tsudzuki, Ambassadeur extraordinaire et plénipotentiaire, premier Délégué Plénipotentiaire;

His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary at Washington, Delegate Plenipotentiary;

M. Pierre Hudicourt, ex-Professor of International Public Law, Advocate at the Bar of Port-au-Prince, Delegate Plenipotentiary.

Italy

His Excellency Count Joseph Tornielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian delegation, Delegate Plenipotentiary;

His Excellency M. Guido Pompilj, Parliamentary Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs, Delegate Plenipotentiary;

M. Guido Fusinato, Councilor of State, Parliamentary Deputy, ex-Minister of Education, Delegate Plenipotentiary;

M. Marius Nicolis de Robilant, General of Brigade, Technical Delegate;

M. François Castiglia, Captain in the Navy, Technical Delegate.

Japan

His Excellency M. Keiroku Tsudzuki, Ambassador Extraordinary and Plenipotentiary, First Delegate Plenipotentiary;

Son Exc. M. Aimaro Sato, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, second Délégué Plénipotentiaire;

M. Henry Willard Denison, Jurisconsulte du Ministère Impérial des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué technique;

M. le Major-Général Yoshifuru Akiyama, Inspecteur de la Cavalerie, Délégué technique;

M. le Contre-Amiral Hayao Shimamura, Président de l'École de la Marine à Etajima, Délégué technique.

Le Luxembourg

Son Exc. M. Eyschen, Ministre d'État, Président du Gouvernement Grand-Ducal, Délégué Plénipotentiaire;

M. le Comte de Villers, Chargé d'Affaires à Berlin, Délégué Plénipotentiaire.

Le Mexique

Son Exc. M. Gonzalo A. Esteva, Envoyé extraordinaire et Ministre plénipotentiaire à Rome, premier Délégué Plénipotentiaire;

Son Exc. M. Sebastian B. de Mier, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, deuxiéme Délégué Plénipotentiaire;

His Excellency M. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate Plenipotentiary;

M. Henry Willard Denison, Legal Adviser to the Imperial Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Technical Delegate;

Major General Yoshifuru Akiyama, Inspector of Cavalry, Technical Delegate;

Rear Admiral Hayao Shimamura, President of the Naval College at Etajima, Technical Delegate.

Luxemburg

His Excellency M. Eyschen, Minister of State, President of the Grand-Ducal Government, Delegate Plenipotentiary;

Count de Villers, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

Mexico

His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary at Rome, First Delegate Plenipotentiary;

His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris, Second Delegate Plenipotentiary;

Son Exc. M. Francisco L. de la Barra, Envoyé extraordinaire et Ministre plénipotentiaire à Bruxelles et à La Haye, troisième Délégué Plénipotentiaire.

Le Monténégro

Son Exc. M. Nelidow, Conseiller Privé Actuel, Ambassadeur de Russie à Paris, Délégué Plénipotentiaire;

Son Exc. M. de Martens, Conseiller Privé, Membre permanent du Conseil du Ministère Impérial des Affaires Étrangéres de Russie, Délégué Plénipotentiaire;

Son Exc. M. Tcharykow, Conseiller d'État Actuel, Chambellan, Envoyé extraordinaire et Ministre plénipotentiaire de Russie à La Haye, Délégué Plénipotentiaire.

Le Nicaragua

Son Exc. M. Crisanto Medina, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Délégué Plénipotentiaire.

La Norvège

Son Exc. M. Francis Hagerup, ancien Président du Conseil, ancien Professeur de Droit, Membre de la Cour permanente d'Arbitrage, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye et à Copenhague, Délégué Plénipotentiaire;

His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, Third Delegate Plenipotentiary.

Montenegro

His Excellency M. Nelidow, Privy Councilor, Russian Ambassador at Paris, Delegate Plenipotentiary;

His Excellency M. de Martens, Privy Councilor, Permanent Member of the Council of the Imperial Russian Ministry for Foreign Affairs, Delegate Plenipotentiary;

His Excellency M. Tcharykow, Councilor of State, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary of Russia at The Hague, Delegate Plenipotentiary.

Nicaragua

His Excellency M. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

Norway

His Excellency M. Francis Hagerup, ex-President of the Council, ex-Professor of Law, Member of the Permanent Court of Arbitration, Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, Delegate Plenipotentiary;

M. Joachim Grieg, Armateur et Député, Délégué technique;

M. Christian Lous Lange, Secrétaire du Comité Nobel du Storting Norvégien, Délégué technique.

M. Joachim Grieg, Shipowner and Deputy, Technical Delegate;

M. Christian Lous Lange, Secretary to the Nobel Committee of the Norwegian Storthing, Technical Delegate.

Le Panama

M. Belisario Porras, Délégué Plénipotentiaire.

Panama

M. Belisario Porras, Delegate Plenipotentiary.

Le Paraguay

Son Exc. M. Eusebio Machain, Envoyé extraordinaire et Ministre plénipotentiaire à Paris, Délégué Plénipotentiaire.

Paraguay

His Excellency M. Eusebio Machain, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

Les Pays-Bas

M. W. H. de Beaufort, ancien Ministre des Affaires Étrangères, Membre de la Seconde Chambre des États-Généraux, Délégué Plénipotentiaire;

Son Exc. M. T. M. C. Asser, Ministre d'État, Membre du Conseil d'État, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. le Jonkheer J. C. C. Den Beer Poortugael, Lieutenant-Général en retraite, ancien Ministre de la Guerre, Membre du Conseil d'État, Délégué Plénipotentiaire;

Son Exc. le Jonkheer J. A. Röell, Aide de Camp de Sa Majesté la Reine en service extraordinaire, Vice-Amiral en re-

The Netherlands

M. W. H. de Beaufort, ex-Minister for Foreign Affairs, Member of the Second Chamber of the States-General, Delegate Plenipotentiary;

His Excellency M. T. M. C. Asser, Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency Jonkheer J. C. C. Den Beer Poortugael, Lieutenant-General on the retired list, ex-Minister of War, Member of the Council of State, Delegate Plenipotentiary;

His Excellency Jonkheer J. A. Röell, Aide-de-Camp to Her Majesty the Queen in Extraordinary Service, Vice-Admiral on the re-

traite, ancien Ministre de la Marine, Délégué Plénipotentiaire;

M. J. A. Loeff, ancien Ministre de la Justice, Membre de la Seconde Chambre des États-Généraux, Délégué Plénipotentiaire;

M. H. L. van Oordt, Lieutenant-Colonel de l'État-major, Professeur à l'École supérieure militaire, Délégué technique;

M. le Jonkheer W. J. M. van Eysinga, Chef de la Direction politique au Ministère des Affaires Étrangères, Délégué adjoint;

M. le Jonkheer H. A. van Karnebeek, Gentilhomme de la Chambre, Sous-Chef de Division au Ministère des Colonies, Délégué adjoint;

M. H. G. Surie, Lieutenant de Vaisseau de première classe, Délégué technique.

Le Pérou

Son Exc. M. Carlos G. Candamo, Envoyé extraordinaire et Ministre plénipotentiaire à Paris et à Londres, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. Gustavo de la Fuente, Premier Secrétaire de Légation à Paris, Délégué adjoint.

La Perse

Son Exc. Samad Khan Momtas-es-Saltaneh, Envoyé extraordi-

tired list, ex-Minister of Marine, Delegate Plenipotentiary;

M. J. A. Loeff, ex-Minister of Justice, Member of the Second Chamber of the States-General, Delegate Plenipotentiary;

M. H. L. van Oordt, Lieutenant-Colonel on the Staff, Professor at the Higher Military College, Technical Delegate;

M. Jonkheer W. J. M. van Eysinga, Head of the Political Section at the Ministry for Foreign Affairs, Assistant Delegate;

M. Jonkheer H. A. van Karnebeek, Gentleman of the Chamber, Assistant Head of Department of the Colonial Office, Assistant Delegate;

M. H. G. Surie, Naval Lieutenant of the First Class, Technical Delegate.

Peru

His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary at Paris and London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

M. Gustavo de la Fuente, First Secretary of Legation at Paris, Assistant Delegate.

Persia

His Excellency Samad Khan Momtas-es-Saltaneh, Envoy Ex-

naire et Ministre plénipotentiaire à Paris, Membre de la Cour permanente d'Arbitrage, Délégué, premier Plénipotentiaire;

Son Exc. Mirza Ahmed Khan Sadig ul Mulk, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. Hennebicq, Jurisconsulte du Ministère des Affaires Étrangères à Téhéran, Délégué technique.

Le Portugal

Son Exc. le Marquis de Soveral, Conseiller d'État, Pair du Royaume, ancien Ministre des Affaires Étrangères, Envoyé extraordinaire et Ministre plénipotentiaire à Londres, Ambassadeur extraordinaire et plénipotentiaire, Délégué Plénipotentiaire;

Son Exc. le Comte de Sélir, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

Son Exc. M. Alberto d'Oliveira, Envoyé extraordinaire et Ministre plénipotentiaire à Berne, Délégué Plénipotentiaire;

M. le Lieutenant-Colonel d'État-Major Thomaz Antonio Garcia Rosado, Délégué technique;

M. Guilherme Ivens Ferraz, Capitaine-Lieutenant de la Marine, Délégué technique.

traordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration, Delegate, First Plenipotentiary;

His Excellency Mirza Ahmed Khan Sadig ul Mulk, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

M. Hennebicq, Legal Adviser to the Ministry for Foreign Affairs at Teheran, Technical Delegate.

Portugal

His Excellency the Marquis de Soveral, Councilor of State, Peer of the Realm, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at London, Ambassador Extraordinary and Plenipotentiary, Delegate Plenipotentiary;

His Excellency Count de Sélir, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

His Excellency M. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne, Delegate Plenipotentiary;

Lieutenant Colonel Thomaz Antonio Garcia Rosado, General Staff, Technical Delegate;

M. Guilherme Ivens Ferraz, Lieutenant Commander in the Navy, Technical Delegate.

La Roumaine

Son Exc. M. Alexandre Beldiman, Envoyé extraordinaire et Ministre plénipotentiaire à Berlin, premier Délégué Plénipotentiaire;

Son Exc. M. Edgard Mavrocordato, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, second Délégué Plénipotentiaire;

M. le Capitaine Alexandre Sturdza, du Grand État-major, Délégué technique.

Roumania

His Excellency M. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary;

His Excellency M. Edgard Mavrocordato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate Plenipotentiary;

Captain Alexandre Sturdza, General Staff, Technical Delegate.

La Russie

Son Exc. M. Nelidow, Conseiller Privé Actuel, Ambassadeur de Russie à Paris, Délégué Plénipotentiaire;

Son Exc. M. de Martens, Conseiller Privé, Membre permanent du Conseil du Ministère Impérial des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Tcharykow, Conseiller d'État Actuel, Chambellan, Envoyé extraordinaire et Ministre plénipotentiaire à La Haye, Délégué Plénipotentiaire;

M. Prozor, Conseiller d'État Actuel, Chambellan, Ministre de Russie à Rio-Janeiro, Délégué technique;

M. le Major-Général Yermolow, Attaché militaire à Londres, Délégué technique;

Russia

His Excellency M. Nelidow, Privy Councilor, Russian Ambassador at Paris, Delegate Plenipotentiary;

His Excellency M. de Martens, Privy Councilor, Permanent Member of the Council of the Imperial Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Tcharykow, Councilor of State, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

M. Prozor, Councilor of State, Chamberlain, Russian Minister at Rio de Janeiro, Technical Delegate;

Major General Yermolow, Military Attaché at London, Technical Delegate;

M. le Colonel Michelson, Attaché militaire à Berlin, Délégué technique;

M. le Capitaine de Vaisseau Behr, Attaché naval à Londres, Délégué technique;

M. le Colonel de l'Amirauté Ovtchinnikow, Professeur de Droit international à l'Académie de la Marine, Délégué technique.

Colonel Michelson, Military Attaché at Berlin, Technical Delegate;

Captain Behr, Naval Attaché at London, Technical Delegate;

Colonel Ovtchinnikow, of the Admiralty, Professor of International Law at the Naval Academy, Technical Delegate.

LE SALVADOR

M. Pedro J. Matheu, Chargé d'Affaires à Paris, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. Santiago Perez Triana, Chargé d'Affaires à Londres, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire.

SALVADOR

M. Pedro J. Matheu, Chargé d'Affaires at Paris, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

M. Santiago Perez Triana, Chargé d'Affaires at London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary.

LA SERBIE

Son Exc. le Général Sava Grouïtch, Président du Conseil d'État, Délégué Plénipotentiaire;

Son Exc. M. Milovan Milovanovitch, Envoyé extraordinaire et Ministre plénipotentiaire à Rome, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

Son Exc. M. Michel Militchévitch, Envoyé extraordinaire et Ministre plénipotentiaire à Londres et à La Haye, Délégué Plénipotentiaire.

SERVIA

His Excellency General Sava Grouïtch, President of the Council of State, Delegate Plenipotentiary;

His Excellency M. Milovan Milovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Michel Militchévitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary.

Le Siam

M. le Major-Général Mom Chatidej Udom, Délégué Plénipotentiaire;

M. Corragioni d'Orelli, Conseiller de Légation à Paris, Délégué Plénipotentiaire;

M. le Capitaine Luang Bhuvanarth Narübal, Délégué Plénipotentiaire.

La Suede

Son Exc. M. Knut Hjalmar Leonard de Hammarskjöld, Envoyé extraordinaire et Ministre plénipotentiaire à Copenhague, ancien Ministre de la Justice, Membre de la Cour permanente d'Arbitrage, premier Délégué Plénipotentiaire;

M. Johannes Hellner, ancien Ministre sans Portefeuille, ancien Membre de la Cour Suprême de Suède, Membre de la Cour permanente d'Arbitrage, second Délégué Plénipotentiaire;

M. le Colonel David Hedengren, Chef d'un régiment d'artillerie, Délégué technique;

M. Gustaf de Klint, Capitaine de Frégate, Chef de Section à l'État-major de la Marine Royale, Délégué technique.

La Suisse

Son Exc. M. Gaston Carlin, Envoyé extraordinaire et Ministre plénipotentiaire à Londres et à La Haye, Délégué Plénipotentiaire;

Siam

Major General Mom Chatidej Udom, Delegate Plenipotentiary;

M. Corragioni d'Orelli, Councilor of Legation at Paris, Delegate Plenipotentiary;

Captain Luang Bhuvanarth Narübal, Delegate Plenipotentiary.

Sweden

His Excellency M. Knut Hjalmar Leonard de Hammarskjöld, Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, ex-Minister of Justice, Member of the Permanent Court of Arbitration, First Delegate Plenipotentiary;

M. Johannes Hellner, ex-Minister without Portfolio, ex-Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Colonel David Hedengren, Commanding a Regiment of Artillery, Technical Delegate;

Commander Gustaf de Klint, Head of a Section on the Staff of the Royal Navy, Technical Delegate.

Switzerland

His Excellency M. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary;

M. Eugène Borel, Colonel d'État-Major Général, Professeur à l'Université de Genève, Délégué Plénipotentiaire;

M. Max Huber, Professeur de Droit à l'Université de Zürich, Délégué Plénipotentiaire.

LA TURQUIE

Son Exc. Turkhan Pacha, Ambassadeur extraordinaire, Ministre de l'Evkaf, premier Délégué Plénipotentiaire;

Son Exc. Réchid Bey, Ambassadeur de Turquie à Rome, Délégué Plénipotentiaire;

Son Exc. le Vice-Amiral Mehemmed Pacha, Délégué Plénipotentiaire;

Raïf Bey, Conseiller légiste de la Liste Civile, Délégué adjoint;

Le Colonel d'État-Major Mehemmed Saïd Bey, Délégué adjoint.

L'URUGUAY

M. José Batlle y Ordonez, ancien Président de la République, Membre de la Cour permanente d'Arbitrage, premier Délégué Plénipotentiaire;

Son Exc. M. Juan P. Castro, ancien Président du Sénat, Envoyé extraordinaire et Ministre Plénipotentiaire à Paris, Membre de la Cour permanente d'Arbitrage, Délégué Plénipotentiaire;

M. le Colonel Sebastian Buquet, Premier Chef de régiment

M. Eugène Borel, Colonel on the General Staff, Professor at the University of Geneva, Delegate Plenipotentiary;

M. Max Huber, Professor of Law at the University of Zurich, Delegate Plenipotentiary.

TURKEY

His Excellency Turkhan Pasha, Ambassador Extraordinary, Minister of the Evkaf, First Delegate Plenipotentiary;

His Excellency Réchid Bey, Turkish Ambassador at Rome, Delegate Plenipotentiary;

His Excellency Vice Admiral Mehemmed Pasha, Delegate Plenipotentiary;

Raïf Bey, Legal Adviser on the Civil List, Assistant Delegate;

Colonel on the Staff Mehemmed Saïd Bey, Assistant Delegate.

URUGUAY

M. José Batlle y Ordonez, ex-President of the Republic, Member of the Permanent Court of Arbitration, First Delegate Plenipotentiary;

His Excellency M. Juan P. Castro, ex-President of the Senate, Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

Colonel Sebastian Buquet, Commanding a Regiment of

d'artillerie de campagne, Délégué technique.

LES ÉTATS-UNIS DU VÉNÉZUÉLA

M. José Gil Fortoul, Chargé d'Affaires à Berlin, Délégué Plénipotentiaire.

Dans une série de réunions, tenues du 15 juin au 18 octobre 1907, où les Délégués précités ont été constamment animés du désir de réaliser, dans la plus large mesure possible, les vues généreuses de l'Auguste Initiateur de la Conférence et les intentions de leurs Gouvernements, la Conférence a arrêté, pour être soumis à la signature des Plénipotentiaires, le texte des Conventions et de la Déclaration énumérées ci-après et annexées au présent Acte:

I. Convention pour le règlement pacifique des conflits internationaux.
II. Convention concernant la limitation de l'emploi de la force pour le recouvrement de dettes contractuelles.
III. Convention relative à l'ouverture des hostilités.
IV. Convention concernant les lois et coutumes de la guerre sur terre.
V. Convention concernant les droits et les devoirs des

Field Artillery, Technical Delegate.

VENEZUELA

M. José Gil Fortoul, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

At a series of meetings, held from the 15th June to the 18th October, 1907, in which the above delegates were throughout animated by the desire to realize, in the fullest possible measure, the generous views of the august initiator of the conference and the intentions of their governments, the conference drew up for submission for signature by the plenipotentiaries, the text of the conventions and of the declaration enumerated below and annexed to the present act:

I. Convention for the pacific settlement of international disputes.
II. Convention respecting the limitation of the employment of force for the recovery of contract debts.
III. Convention relative to the opening of hostilities.
IV. Convention respecting the laws and customs of war on land.
V. Convention respecting the rights and duties of neu-

Puissances et des personnes neutres en cas de guerre sur terre.

VI. Convention relative au régime des navires de commerce ennemis au début des hostilités.

VII. Convention relative à la transformation des navires de commerce en bâtiments de guerre.

VIII. Convention relative à la pose de mines sous-marines automatiques de contact.

IX. Convention concernant le bombardement par des forces navales en temps de guerre.

X. Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève.

XI. Convention relative à certaines restrictions à l'exercice du droit de capture dans la guerre maritime.

XII. Convention relative à l'établissement d'une Cour internationale des prises.

XIII. Convention concernant les droits et les devoirs des Puissances neutres en cas de guerre maritime.

XIV. Déclaration relative à l'interdiction de lancer des

tral powers and persons in case of war on land.

VI. Convention relative to the status of enemy merchant ships at the outbreak of hostilities.

VII. Convention relative to the conversion of merchant ships into war ships.

VIII. Convention relative to the laying of automatic submarine contact mines.

IX. Convention respecting bombardment by naval forces in time of war.

X. Convention for the adaptation to naval war of the principles of the Geneva Convention.

XI. Convention relative to certain restrictions with regard to the exercise of the right of capture in naval war.

XII. Convention relative to the creation of an international prize court.

XIII. Convention concerning the rights and duties of neutral powers in naval war.

XIV. Declaration prohibiting the discharge of pro-

projectiles et des explosifs du haut de ballons.

jectiles and explosives from balloons.

Ces Conventions et cette Déclaration formeront autant d'actes séparés. Ces actes porteront la date de ce jour et pourront être signés jusqu'au 30 juin 1908 à La Haye par les Plénipotentiaires des Puissances représentées à la Deuxième Conférence de la Paix.

These conventions and declaration shall form so many separate acts. These acts shall be dated this day, and may be signed up to the 30th June, 1908, at The Hague, by the plenipotentiaries of the powers represented at the Second Peace Conference.

La Conférence, se conformant à l'esprit d'entente et de concessions réciproques qui est l'esprit même de ses délibérations, a arrêté la déclaration suivante qui, tout en réservant à chacune des Puissances représentées le bénéfice de ses votes, leur permet à toutes d'affirmer les principes qu'Elles considèrent comme unanimement reconnus:

The conference, actuated by the spirit of mutual agreement and concession characterizing its deliberations, has agreed upon the following declaration, which, while reserving to each of the powers represented full liberty of action as regards voting, enables them to affirm the principles which they regard as unanimously admitted:

Elle est unanime,

1°. A reconnaître le principe de l'arbitrage obligatoire;

2°. A déclarer que certains différends, et notamment ceux relatifs à l'interprétation et à l'application des stipulations conventionnelles internationales, sont susceptibles d'être soumis à l'arbitrage obligatoire sans aucune restriction.

Elle est unanime enfin à pro-

It is unanimous —

1. In admitting the principle of compulsory arbitration.

2. In declaring that certain disputes, in particular those relating to the interpretation and application of the provisions of international agreements, may be submitted to compulsory arbitration without any restriction.

Finally, it is unanimous in

clamer que, s'il n'a pas été donné de conclure dès maintenant une Convention en ce sens, les divergences d'opinion que se sont manifestées n'ont pas dépassé les limites d'une controverse juridique, et qu'en travaillant ici ensemble pendant quatre mois, toutes les Puissances du monde, non seulement ont appris à se comprendre et à se rapprocher davantage, mais ont su dégager, au cours de cette longue collaboration, un sentiment très élevé du bien commun de l'humanité.

proclaiming that, although it has not yet been found feasible to conclude a convention in this sense, nevertheless the divergences of opinion which have come to light have not exceeded the bounds of judicial controversy, and that, by working together here during the past four months, the collected powers not only have learnt to understand one another and to draw closer together, but have succeeded in the course of this long collaboration in evolving a very lofty conception of the common welfare of humanity.

En outre, la Conférence a adopté à l'unanimité la Résolution suivante:

La Deuxième Conférence de la Paix confirme la Résolution adoptée par la Conférence de 1899 à l'égard de la limitation des charges militaires; et, vu que les charges militaires se sont considérablement accrues dans presque tous les pays depuis ladite année, la Conférence déclare qu'il est hautement désirable de voir les Gouvernements reprendre l'étude sérieuse de cette question.

Elle a, de plus, émis les Vœux suivants:

1°. La Conférence recommande aux Puissances signataires l'adoption du projet ci-annexé de Convention pour

The conference has further unanimously adopted the following resolution:

The Second Peace Conference confirms the resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the conference declares that it is eminently desirable that the governments should resume the serious examination of this question.

It has besides expressed the following opinions:

1. The conference calls the attention of the signatory powers to the advisability of adopting the annexed draft convention

l'établissement d'une Cour de Justice arbitrale, et sa mise en vigueur dès qu'un accord sera intervenu sur le choix des juges et la constitution de la Cour.

2°. La Conférence émet le vœu qu'en cas de guerre, les autorités compétentes, civiles et militaires, se fassent un devoir tout spécial d'assurer et de protéger le maintien des rapports pacifiques et notamment des relations commerciales et industrielles entre les populations des États belligérants et les pays neutres.

3°. La Conférence émet le vœu que les Puissances règlent, par des Conventions particulières, la situation, au point de vue des charges militaires, des étrangers établis sur leurs territoires.

4°. La Conférence émet le vœu que l'élaboration d'un règlement relatif aux lois et coutumes de la guerre maritime figure au programme de la prochaine Conférence et que, dans tous les cas, les Puissances appliquent, autant que possible, à la guerre sur mer, les principes de la Convention relative aux lois et coutumes de la guerre sur terre.

Enfin, la Conférence recommande aux Puissances la réunion d'une troisième Conférence de la

for the creation of a Judicial Arbitration Court, and of bringing it into force as soon as an agreement has been reached respecting the selection of the judges and the constitution of the court.

2. The conference expresses the opinion that, in case of war, the responsible authorities, civil as well as military, should make it their special duty to ensure and safeguard the maintenance of pacific relations, more especially of the commercial and industrial relations between the inhabitants of the belligerent states and neutral countries.

3. The conference expresses the opinion that the powers should regulate, by special treaties, the position, as regards military charges, of foreigners residing within their territories.

4. The conference expresses the opinion that the preparation of regulations relative to the laws and customs of naval war should figure in the programme of the next conference, and that in any case the powers may apply, as far as possible, to war by sea the principles of the convention relative to the laws and customs of war on land.

Finally, the conference recommends to the powers the assembly of a Third Peace Conference,

Paix qui pourrait avoir lieu, dans une période analogue à celle qui s'est écoulée depuis la précédente Conférence, à une date à fixer d'un commun accord entre les Puissances, et elle appelle leur attention sur la nécessité de préparer les travau de cette troisième Conférence assez longtemps à l'avance pour que ses délibérations se poursuivent avec l'autorité et la rapidité indispensables.

Pour atteindre à ce but, la Conférence estime qu'il serait très désirable que environ deux ans avant l'époque probable de la réunion, un Comité préparatoire fût chargé par les Gouvernements de recueillir les diverses propositions à soumettre à la Conférence, de rechercher les matières susceptibles d'un prochain règlement international et de préparer un programme que les Gouvernements arrêteraient assez tôt pour qu'il pût être sérieusement étudié dans chaque pays. Ce Comité serait, en outre, chargé de proposer un mode d'organisation et de procédure pour la Conférence elle-même.

En foi de quoi, les Plénipotentiaires ont signé le présent acte et y ont apposé leurs cachets.

which might be held within a period corresponding to that which has elapsed since the preceding conference, at a date to be fixed by common agreement between the powers, and it calls their attention to the necessity of preparing the programme of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

In order to attain this object the conference considers that it would be very desirable that, some two years before the probable date of the meeting, a preparatory committee should be charged by the governments with the task of collecting the various proposals to be submitted to the conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a programme which the governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This committee should further be intrusted with the task of proposing a system of organization and procedure for the conference itself.

In faith whereof the plenipotentiaries have signed the present act and have affixed their seals thereto.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui sera déposé dans les archives du Gouvernement des Pays-Bas et dont les copies, certifiées conformes, seront délivrées à toutes les Puissances représentées à la Conférence.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to all the powers represented at the conference.

ANNEXE AU 1ER VŒU ÉMIS PAR LA DEUXIÈME CONFÉRENCE DE LA PAIX

PROJET D'UNE CONVENTION RELATIVE À L'ÉTABLISSEMENT D'UNE COUR DE JUSTICE ARBITRALE

Titre I. — Organisation de la Cour de justice arbitrale

Article 1

Dans le but de faire progresser la cause de l'arbitrage, les Puissances contractantes conviennent d'organiser, sans porter atteinte à la Cour permanente d'arbitrage, une Cour de justice arbitrale, d'un accès libre et facile, réunissant des juges représentant les divers systèmes juridiques du monde, et capable d'assurer la continuité de la jurisprudence arbitrale.

Article 2

La Cour de justice arbitrale se compose de juges et de juges suppléants choisis parmi les personnes jouissant de la plus haute

ANNEX TO THE FIRST OPINION EXPRESSED BY THE SECOND PEACE CONFERENCE

DRAFT CONVENTION RELATIVE TO THE CREATION OF A JUDICIAL ARBITRATION COURT

Part I. — Constitution of the Judicial Arbitration Court

Article 1

With a view to promoting the cause of arbitration, the contracting powers agree to constitute, without altering the status of the Permanent Court of Arbitration, a Judicial Arbitration Court, of free and easy access, composed of judges representing the various juridical systems of the world, and capable of ensuring continuity in jurisprudence of arbitration.

Article 2

The Judicial Arbitration Court is composed of judges and deputy judges chosen from persons of the highest moral

considération morale et qui tous devront remplir les conditions requises, dans leurs pays respectifs, pour l'admission dans la haute magistrature ou être des jurisconsultes d'une compétence notoire en matière de droit international.

Les juges et les juges suppléants de la Cour sont choisis, autant que possible, parmi les membres de la Cour permanente d'arbitrage. Le choix sera fait dans les six mois qui suivront la ratification de la présente Convention.

ARTICLE 3

Les juges et les juges suppléants sont nommés pour une période de douze ans à compter de la date où la nomination aura été notifiée au Conseil administratif institué par la Convention pour le règlement pacifique des conflits internationaux. Leur mandat peut être renouvelé.

En cas de décès ou de démission d'un juge ou d'un juge suppléant, il est pourvu à son remplacement selon le mode fixé pour sa nomination. Dans ce cas, la nomination est faite pour une nouvelle période de douze ans.

ARTICLE 4

Les juges de la Cour de justice arbitrale sont égaux entre eux et

reputation, and all fulfilling conditions qualifying them, in their respective countries, to occupy high legal posts, or be jurists of recognized competence in matters of international law.

The judges and deputy judges of the court are appointed, as far as possible, from the members of the Permanent Court of Arbitration. The appointment shall be made within the six months following the ratification of the present convention.

ARTICLE 3

The judges and deputy judges are appointed for a period of twelve years, counting from the date on which the appointment is notified to the Administrative Council created by the convention for the pacific settlement of international disputes. Their appointments can be renewed.

Should a judge or deputy judge die or retire, the vacancy is filled in the manner in which his appointment was made. In this case, the appointment is made for a fresh period of twelve years.

ARTICLE 4

The judges of the Judicial Arbitration Court are equal and

prennent rang d'après la date de la notification de leur nomination. La préséance appartient au plus âgé, au cas où la date est la même.

Les juges suppléants sont, dans l'exercice de leurs fonctions, assimilés aux juges titulaires. Toutefois, ils prennent rang après ceux-ci.

rank according to the date on which their appointment was notified. The judge who is senior in point of age takes precedence when the date of notification is the same.

The deputy judges are assimilated, in the exercise of their functions, with the judges. They rank, however, below the latter.

ARTICLE 5

Les juges jouissent des privilèges et immunités diplomatiques dans l'exercice de leurs fonctions et en dehors de leurs pays.

Avant de prendre possession de leur siège, les juges et les juges suppléants doivent, devant le Conseil administratif, prêter serment ou faire une affirmation solennelle d'exercer leurs fonctions avec impartialité et en toute conscience.

ARTICLE 5

The judges enjoy diplomatic privileges and immunities in the exercise of their functions, outside their own country.

Before taking their seat, the judges and deputy judges must swear, before the Administrative Council, or make a solemn affirmation to exercise their functions impartially and conscientiously.

ARTICLE 6

La Cour désigne annuellement trois juges qui forment une Délégation spéciale et trois autres destinés à les remplacer en cas d'empêchement. Ils peuvent être réélus. L'élection se fait au scrutin de liste. Sont considérés comme élus ceux qui réunissent le plus grand nombre de voix. La Délégation élit elle-même son Président, qui, à défaut d'une majorité, est désigné par le sort.

ARTICLE 6

The court annually nominates three judges to form a special delegation and three more to replace them should the necessity arise. They may be reëlected. They are balloted for. The persons who secure the largest number of votes are considered elected. The delegation itself elects its President, who, in default of a majority, is appointed by lot.

Un membre de la Délégation ne peut exercer ses fonctions quand la Puissance qui l'a nommé, ou dont il est le national, est une des Parties.

Les membres de la Délégation terminent les affaires qui leur ont été soumises, même au cas où la période pour laquelle ils ont été nommés juges serait expirée.

ARTICLE 7

L'exercice des fonctions judiciaires est interdit au juge dans les affaires au sujet desquelles il aura, à un titre quelconque, concouru à la décision d'un Tribunal national, d'un Tribunal d'arbitrage ou d'une Commission d'enquête, ou figuré dans l'instance comme conseil ou avocat d'une Partie.

Aucun juge ne peut intervenir comme agent ou comme avocat devant la Cour de justice arbitrale ou la Cour permanente d'arbitrage, devant un Tribunal spécial d'arbitrage ou une Commission d'enquête, ni y agir pour une Partie en quelque qualité que ce soit, pendant toute la durée de son mandat.

ARTICLE 8

La Cour élit son Président et son Vice-Président à la majorité absolue des suffrages exprimés. Aprés deux tours de scrutin, l'élection se fait à la majorité

A member of the delegation can not exercise his duties when the power which appointed him, or of which he is a national, is one of the parties.

The members of the delegation are to conclude all matters submitted to them, even if the period for which they have been appointed judges has expired.

ARTICLE 7

A judge may not exercise his judicial functions in any case in which he has, in any way whatever, taken part in the decision of a national tribunal, of a tribunal of arbitration, or of a commission of inquiry, or has figured in the suit as counsel or advocate for one of the parties.

A judge can not act as agent or advocate before the Judicial Arbitration Court or the Permanent Court of Arbitration, before a special tribunal of arbitration or a commission of inquiry, nor act for one of the parties in any capacity whatsoever so long as his appointment lasts.

ARTICLE 8

The court elects its President and Vice-President by an absolute majority of the votes cast. After two ballots, the election is made by a bare ma-

relative et, en cas de partage des voix, le sort décide.

ARTICLE 9

Les juges de la Cour de justice arbitrale reçoivent une indemnité annuelle de six mille florins néerlandais. Cette indemnité est payée à l'expiration de chaque semestre à dater du jour de la premiére réunion de la Cour.

Pendant l'exercice de leurs fonctions au cours des sessions ou dans les cas spéciaux prévus par la présente Convention, ils touchent une somme de cent florins par jour. Il leur est alloué, en outre, une indemnité de voyage fixée d'aprés les règlements de leur pays. Les dispositions du présent alinéa s'appliquent aussi aux juges suppléants remplaçant les juges.

Ces allocations, comprises dans les frais généraux de la Cour, prévus par l'article 31, sont versées par l'entremise du Bureau international institué par la Convention pour le réglement pacifique des conflits internationaux.

ARTICLE 10

Les juges ne peuvent recevoir de leur propre Gouvernement ou de celui d'une autre Puissance aucune rémunération pour des

jority and, in case the votes are even, by lot.

ARTICLE 9

The judges of the Judicial Arbitration Court receive an annual salary of 6000 Netherland florins. This salary is paid at the end of each half year, reckoned from the date on which the court meets for the first time.

In the exercise of their duties during the sessions or in the special cases covered by the present convention, they receive the sum of 100 florins per diem. They are further entitled to receive a traveling allowance fixed in accordance with regulations existing in their own country. The provisions of the present paragraph are applicable also to a deputy judge when acting for a judge.

These emoluments are included in the general expenses of the court dealt with in article 31, and are paid through the International Bureau created by the convention for the pacific settlement of international disputes.

ARTICLE 10

The judges may not accept from their own government or from that of any other power any remuneration for services

services rentrant dans leurs devoirs comme membres de la Cour.

ARTICLE 11

La Cour de justice arbitrale a son siège à La Haye et ne peut, sauf le cas de force majeure, le transporter ailleurs.

La Délégation peut, avec l'assentiment des Parties, choisir un autre lieu pour ses réunions si des circonstances particulières l'exigent.

ARTICLE 12

Le Conseil administratif remplit à l'égard de la Cour de justice arbitrale les fonctions qu'il remplit à l'égard de la Cour permanente d'arbitrage.

ARTICLE 13

Le Bureau international sert de greffe à la Cour de justice arbitrale et doit mettre ses locaux et son organisation à la disposition de la Cour. Il a la garde des archives et la gestion des affaires administratives.

Le Secrétaire Général du Bureau remplit les fonctions de greffier.

Les secrétaires adjoints au greffier, les traducteurs et les sténographes nécessaires sont désignés et assermentés par la Cour.

connected with their duties in their capacity of members of the court.

ARTICLE 11

The seat of the Judicial Court of Arbitration is at The Hague, and can not be transferred, unless absolutely obliged by circumstances, elsewhere.

The delegation may choose, with the assent of the parties concerned, another site for its meetings, if special circumstances render such a step necessary.

ARTICLE 12

The Administrative Council fulfills with regard to the Judicial Court of Arbitration the same functions as to the Permanent Court of Arbitration.

ARTICLE 13

The International Bureau acts as registry to the Judicial Court of Arbitration, and must place its offices and staff at the disposal of the court. It has charge of the archives and carries out the administrative work.

The Secretary-General of the Bureau discharges the functions of registrar.

The necessary secretaries to assist the registrar, translators and shorthand writers are appointed and sworn in by the court.

ARTICLE 14

La Cour se réunit en session une fois par an. La session commence le troisième mercredi de juin et dure tant que l'ordre du jour n'aura pas été épuisé.

La Cour ne se réunit pas en session, si la Délégation estime que cette réunion n'est pas nécessaire. Toutefois, si une Puissance est partie à un litige actuellement pendant devant la Cour et dont l'instruction est terminée ou va être terminée, elle a le droit d'exiger que la session ait lieu.

En cas de nécessité, la Délégation peut convoquer la Cour en session extraordinaire.

ARTICLE 15

Un compte-rendu des travaux de la Cour sera dressé chaque année par la Délégation. Ce compte-rendu sera transmis aux Puissances contractantes par l'intermédiaire du Bureau international. Il sera communiqué aussi à tous les juges et juges suppléants de la Cour.

ARTICLE 16

Les juges et les juges suppléants, membres de la Cour de justice arbitrale, peuvent aussi être nommés aux fonctions de juge et de juge suppléant dans la Cour internationale des prises.

ARTICLE 14

The court meets in session once a year. The session opens the third Wednesday in June and lasts until all the business on the agenda has been transacted.

The court does not meet in session if the delegation considers that such meeting is unnecessary. However, when a power is party in a case actually pending before the court, the pleadings in which are closed, or about to be closed, it may insist that the session should be held.

When necessary, the delegation may summon the court in extraordinary session.

ARTICLE 15

A report of the doings of the court shall be drawn up every year by the delegation. This report shall be forwarded to the contracting powers through the International Bureau. It shall also be communicated to the judges and deputy judges of the court.

ARTICLE 16

The judges and deputy judges, members of the Judicial Arbitration Court, can also exercise the functions of judge and deputy judge in the International Prize Court.

TITRE II. — COMPÉTENCE ET PROCÉDURE

ARTICLE 17

La Cour de justice arbitrale est compétente pour tous les cas qui sont portés devant elle, en vertu d'une stipulation générale d'arbitrage ou d'un accord spécial.

ARTICLE 18

La Délégation est compétente:

1. pour juger les cas d'arbitrage visés à l'article précédent, si les Parties sont d'accord pour réclamer l'application de la procédure sommaire, réglée au Titre IV Chapitre 4 de la Convention pour le règlement pacifique des conflits internationaux;

2. pour procéder à une enquête en vertu et en conformité du Titre III de ladite Convention en tant que la Délégation en est chargée par les Parties agissant d'un commun accord. Avec l'assentiment des Parties et par dérogation à l'article 7 alinéa 1, les membres de la Délégation ayant pris part à l'enquête peuvent siéger comme juges, si le litige est soumis à l'arbitrage de la Cour ou de la Délégation elle-même.

ARTICLE 19

La Délégation est, en outre,

PART II. — COMPETENCY AND PROCEDURE

ARTICLE 17

The Judicial Court of Arbitration is competent to deal with all cases submitted to it, in virtue either of a general undertaking to have recourse to arbitration or of a special agreement.

ARTICLE 18

The delegation is competent:

1. To decide the arbitrations referred to in the preceding article, if the parties concerned are agreed that the summary procedure, laid down in Part IV, chapter 4, of the convention for the pacific settlement of international disputes is to be applied;

2. To hold an inquiry under and in accordance with Part III of the said convention, in so far as the delegation is intrusted with such inquiry by the parties acting in common agreement. With the assent of the parties concerned, and as an exception to article 7, paragraph 1, the members of the delegation who have taken part in the inquiry may sit as judges, if the case in dispute is submitted to the arbitration of the court or of the delegation itself.

ARTICLE 19

The delegation is also com-

compétente pour l'établissement du compromis visé par l'article 52 de la Convention pour le règlement pacifique des conflits internationaux, si les Parties sont d'accord pour s'en remettre à la Cour.

Elle est également compétente, même si la demande est faite seulement par l'une des Parties, après qu'un accord par la voie diplomatique a été vainement essayé, quand il s'agit:

1°. d'un diffréend rentrant dans un traité d'arbitrage général conclu ou renouvelé après la mise en vigueur de cette Convention et qui prévoit pour chaque différend un compromis, et n'exclut pour l'établissement de ce dernier ni explicitement ni implicitement la compétence de la Délégation. Toutefois, le recours à la Cour n'a pas lieu si l'autre Partie déclare qu'à son avis le différend n'appartient pas à la catégorie des questions à soumettre à un arbitrage obligatoire, à moins que le traité d'arbitrage ne confère au tribunal arbitral le pouvoir de décider cette question préalable.

2°. d'un différend provenant de dettes contractuelles réclamées à une Puissance par une autre Puissance comme dues à ses nationaux, et pour la solution

petent to settle the *compromis* referred to in article 52 of the convention for the pacific settlement of international disputes if the parties are agreed to leave it to the court.

It is equally competent to do so, even when the request is only made by one of the parties concerned, if all attempts have failed to reach an understanding through the diplomatic channel, in the case of —

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present convention has come into force, providing for a *compromis* in all disputes, and not either explicitly or implicitly excluding the settlement of the *compromis* from the competence of the delegation. Recourse can not, however, be had to the court if the other party declares that in its opinion the dispute does not belong to the category of questions to be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the Arbitration Tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one power by another power as due to its nationals, and for the settlement of which the offer

duquel l'offre d'arbitrage a été acceptée. Cette disposition n'est pas appliquable si l'acceptation a été subordonnée à la condition que le compromis soit établi selon un autre mode.

ARTICLE 20

Chacune des Parties a le droit de désigner un juge de la Cour pour prendre part, avec voix délibérative, à l'examen de l'affaire soumise à la Délégation.

Si la Délégation fonctionne en qualité de Commission d'enquête, ce mandat peut être confié à des personnes prises en dehors des juges de la Cour. Les frais de déplacement et la rétribution à allouer auxdites personnes sont fixés et supportés par les Puissances qui les ont nommés.

ARTICLE 21

L'accès de la Cour de justice arbitrale, instituée par la présente Convention, n'est ouvert qu'aux Puissances contractantes.

ARTICLE 22

La Cour de justice arbitrale suit les règles de procédure édictées par la Convention pour le règlement pacifique des conflits internationaux, sauf ce qui est prescrit par la présente Convention.

of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the *compromis* should be settled in some other way.

ARTICLE 20

Each of the parties concerned may nominate a judge of the court to take part, with power to vote, in the examination of the case submitted to the delegation.

If the delegation acts as a commission of inquiry, this task may be intrusted to persons other than the judges of the court. The traveling expenses and remuneration to be given to the said persons are fixed and borne by the powers appointing them.

ARTICLE 21

The contracting powers only may have access to the Judicial Arbitration Court set up by the present convention.

ARTICLE 22

The Judicial Court of Arbitration follows the rules of procedure laid down in the convention for the pacific settlement of international disputes, except in so far as the procedure is laid down in the present convention.

ARTICLE 23

La Cour décide du choix de la langue dont elle fera usage, et des langues dont l'emploi sera autorisé devant elle.

ARTICLE 24

Le Bureau international sert d'intermédiaire pour toutes les communications à faire aux juges au cours de l'instruction prévue à l'article 63 alinéa 2 de la Convention pour le règlement pacifique des conflits internationaux.

ARTICLE 25

Pour toutes les notifications à faire, notamment aux Parties, aux témoins et aux experts, la Cour peut s'adresser directement au Gouvernement de la Puissance sur le territoire de laquelle la notification doit être effectuée. Il en est de même s'il s'agit de faire procéder à l'établissement de tout moyen de preuve.

Les requêtes adressées à cet effet ne peuvent être refusées que si la Puissance requise les juge de nature à porter atteinte à sa souveraineté ou à sa sécurité. S'il est donné suite à la requête, les frais ne comprennent que les dépenses d'exécution réellement effectuées.

La Cour a également la faculté de recourir à l'intermédiaire de la Puissance sur le territoire de laquelle elle a son siège.

ARTICLE 23

The court determines what language it will itself use and what languages may be used before it.

ARTICLE 24

The International Bureau serves as channel for all communications to be made to the judges during the interchange of pleadings provided for in article 63, paragraph 2, of the convention for the pacific settlement of international disputes.

ARTICLE 25

For all notices to be served, in particular on the parties, witnesses, or experts, the court may apply direct to the government of the state on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests addressed for this purpose can only be rejected when the power applied to considers them likely to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The court is equally entitled to act through the power on whose territory it sits.

Les notifications à faire aux Parties dans le lieu où siège la Cour peuvent être exécutées par le Bureau international.

Notices to be given to parties in the place where the court sits may be served through the International Bureau.

ARTICLE 26

Les débats sont dirigés par le Président ou le Vice-Président et, en cas d'absence ou d'empêchement de l'un et de l'autre, par le plus ancien des juges présents.

Le juge nommé par une des Parties ne peut siéger comme Président.

ARTICLE 26

The discussions are under the control of the President or Vice-President, or, in case they are absent or can not act, of the senior judge present.

The judge appointed by one of the parties can not preside.

ARTICLE 27

Les délibérations de la Cour ont lieu à huis clos et restent secrètes.

Toute décision est prise à la majorité des juges présents. Si la Cour siège en nombre pair et qu'il y ait partage des voix, la voix du dernier des juges, dans l'ordre de préséance établi d'après l'article 4 alinéa 1, ne sera pas comptée.

ARTICLE 27

The court considers its decisions in private, and the proceedings are secret.

All decisions are arrived at by a majority of the judges present. If the number of judges is even and equally divided, the vote of the junior judge, in the order of precedence laid down in article 4, paragraph 1, is not counted.

ARTICLE 28

Les arrêts de la Cour doivent être motivés. Ils mentionnent les noms des juges qui y ont participé; ils sont signés par le Président et par le greffier.

ARTICLE 28

The judgment of the court must give the reasons on which it is based. It contains the names of the judges taking part in it; it is signed by the President and registrar.

ARTICLE 29

Chaque Partie supporte ses propres frais et une part égale des frais spéciaux de l'instance.

ARTICLE 29

Each party pays its own costs and an equal share of the costs of the trial.

ARTICLE 30

Les dispositions des articles 21 à 29 sont appliquées par analogie dans la procédure devant la Délégation.

Lorsque le droit d'adjoindre un membre à la Délégation n'a été exercé que par une seule Partie, la voix du membre adjoint n'est pas comptée, s'il y a partage de voix.

ARTICLE 31

Les frais généraux de la Cour sont supportés par les Puissances contractantes.

Le Conseil administratif s'adresse aux Puissances pour obtenir les fonds nécessaires au fonctionnement de la Cour.

ARTICLE 32

La Cour fait elle-même son règlement d'ordre intérieur qui doit être communiqué aux Puissances contractantes.

Après la ratification de la présente Convention, la Cour se réunira aussitôt que possible, pour élaborer ce règlement, pour élire le Président et le Vice-Président ainsi que pour désigner les membres de la Délégation.

ARTICLE 33

La Cour peut proposer des modifications à apporter aux dispositions de la présente Convention qui concernent la procédure. Ces propositions sont communi-

ARTICLE 30

The provisions of articles 21 to 29 are applicable by analogy to the procedure before the delegation.

When the right of attaching a member to the delegation has been exercised by one of the parties only, the vote of the member attached is not recorded if the votes are evenly divided.

ARTICLE 31

The general expenses of the court are borne by the contracting powers.

The Administrative Council applies to the powers to obtain the funds requisite for the working of the court.

ARTICLE 32

The court itself draws up its own rules of procedure, which must be communicated to the contracting powers.

After the ratification of the present convention the court shall meet as early as possible in order to elaborate these rules, elect the President and Vice-President, and appoint the members of the delegation.

ARTICLE 33

The court may propose modifications in the provisions of the present convention concerning procedure. These proposals are communicated through the Neth-

quées par l'intermédiaire du Gouvernement des Pays-Bas aux Puissances contractantes qui se concerteront sur la suite à y donner.

erland Government to the contracting powers, which will consider together as to the measures to be taken.

Titre III. — Dispositions Finales

Article 34

La présente Convention sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt de chaque ratification un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances signataires.

Article 35

La Convention entrera en vigueur six mois après sa ratification.

Elle aura une durée de douze ans, et sera renouvelée tacitement de douze ans en douze ans, sauf dénonciation.

La dénonciation devra être notifiée, au moins deux ans avant l'expiration de chaque période, au Gouvernement des Pays-Bas qui en donnera connaissance aux autres Puissances.

La dénonciation ne produira effet qu'à l'égard de la Puissance qui l'aura notifiée. La Convention restera exécutoire dans les rapports entre les autres Puissances.

Part III. — Final Provisions

Article 34

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* of the deposit of each ratification shall be drawn up, of which a duly certified copy shall be sent through the diplomatic channel to all the signatory powers.

Article 35

The convention shall come into force six months after its ratification.

It shall remain in force for twelve years, and shall be tacitly renewed for periods of twelve years, unless denounced.

The denunciation must be notified, at least two years before the expiration of each period, to the Netherland Government, which will inform the other powers.

The denunciation shall only have effect in regard to the notifying power. The convention shall continue in force as far as the other powers are concerned.

CONVENTION POUR LE RÈGLEMENT PACIFIQUE DES CONFLITS INTERNATIONAUX

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Animés de la ferme volonté de concourir au maintien de la paix générale;

Résolus à favoriser de tous leurs efforts le règlement amiable des conflits internationaux;

Reconnaissant la solidarité qui unit les membres de la société des nations civilisées;

Voulant étendre l'empire du droit et fortifier le sentiment de la justice internationale;

Convaincus que l'institution permanente d'une juridiction arbitrale accessible à tous, au sein des Puissances indépendantes, peut contribuer efficacement à ce résultat;

Considérant les avantages d'une organisation générale et régulière de la procédure arbitrale;

Estimant avec l'Auguste Initiateur de la Conférence internationale de la Paix qu'il importe de consacrer dans un accord international les principes d'équité et de droit sur lesquels reposent la sécurité des États et le bien-être des peuples;

Désireux, dans ce but, de

CONVENTION FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

His Majesty the German Emperor, King of Prussia; etc.:

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Tribunal of Arbitration accessible to all, in the midst of independent powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration;

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an international agreement the principles of equity and right on which are based the security of states and the welfare of peoples;

Being desirous, with this ob-

mieux assurer le fonctionnement pratique des Commissions d'enquête et des tribunaux d'arbitrage et de faciliter le recours à la justice arbitrale lorsqu'il s'agit de litiges de nature à comporter une procédure sommaire;

Ont jugé nécessaire de reviser sur certains points et de compléter l'œuvre de la Première Conférence de la Paix pour le règlement pacifique des conflits internationaux;

Les Hautes Parties contractantes ont résolu de conclure une nouvelle Convention à cet effet et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

ject, of ensuring the better working in practice of commissions of inquiry and tribunals of arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;

Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for the pacific settlement of international disputes;

The high contracting parties have resolved to conclude a new convention for this purpose, and have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

Titre I. — Du Maintien de la Paix Générale

Article 1

En vue de prévenir autant que possible le recours à la force dans les rapports entre les États, les Puissances contractantes conviennent d'employer tous leurs efforts pour assurer le règlement pacifique des différends internationaux.

Part I. — The Maintenance of General Peace

Article 1

With a view to obviating as far as possible recourse to force in the relations between states, the contracting powers agree to use their best efforts to ensure the pacific settlement of international differences.

TITRE II. — DES BONS OFFICES ET DE LA MÉDIATION

ARTICLE 2

En cas de dissentiment grave ou de conflit, avant d'en appeler aux armes, les Puissances contractantes conviennent d'avoir recours, en tant que les circonstances le permettront, aux bons offices ou à la médiation d'une ou de plusieurs Puissances amies.

ARTICLE 3

Indépendamment de ce recours, les Puissances contractantes jugent utile et désirable qu'une ou plusieurs Puissances étrangères au conflit offrent de leur propre initiative, en tant que les circonstances s'y prêtent, leurs bons offices ou leur médiation aux États en conflit.

Le droit d'offrir les bons offices ou la médiation appartient aux Puissances étrangères au conflit, même pendant le cours des hostilités.

L'exercice de ce droit ne peut jamais être considéré par l'une ou l'autre des Parties en litige comme un acte peu amical.

ARTICLE 4

Le rôle du médiateur consiste à concilier les prétentions opposées et à apaiser les ressentiments qui peuvent s'être produits entre les États en conflit.

PART II. — GOOD OFFICES AND MEDIATION

ARTICLE 2

In case of serious disagreement or dispute, before an appeal to arms, the contracting powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers.

ARTICLE 3

Independently of this recourse, the contracting powers deem it expedient and desirable that one or more powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the states at variance.

Powers strangers to the dispute, have the right to offer good offices or mediation even during the course of hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

ARTICLE 4

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the states at variance.

ARTICLE 5

Les fonctions du médiateur cessent du moment où il est constaté, soit par l'une des Parties en litige, soit par le médiateur lui-même, que les moyens de conciliation proposés par lui ne sont pas acceptés.

ARTICLE 6

Les bons offices et la médiation, soit sur le recours des Parties en conflit, soit sur l'initiative des Puissances étrangères au conflit, ont exclusivement le caractère de conseil et n'ont jamais force obligatoire.

ARTICLE 7

L'acceptation de la médiation ne peut avoir pour effet, sauf convention contraire, d'interrompre, de retarder ou d'entraver la mobilisation et autres mesures préparatoires à la guerre.

Si elle intervient après l'ouverture des hostilités, elle n'interrompt pas, sauf convention contraire, les opérations militaires en cours.

ARTICLE 8

Les Puissances contractantes sont d'accord pour recommander l'application, dans les circonstances qui le permettent, d'une médiation spéciale sous la forme suivante:

ARTICLE 5

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE 6

Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of powers strangers to the dispute have exclusively the character of advice, and never have binding force.

ARTICLE 7

The acceptance of mediation can not, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of an agreement to the contrary.

ARTICLE 8

The contracting powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:

En cas de différend grave compromettant la paix, les États en conflit choisissent respectivement une Puissance à laquelle ils confient la mission d'entrer en rapport direct avec la Puissance choisie d'autre part, à l'effet de prévenir la rupture des relations pacifiques.

Pendant la durée de ce mandat dont le terme, sauf stipulation contraire, ne peut excéder trente jours, les États en litige cessent tout rapport direct au sujet du conflit, lequel est considéré comme déféré exclusivement aux Puissances médiatrices. Celles-ci doivent appliquer tous leurs efforts à régler le différend.

En cas de rupture effective des relations pacifiques, ces Puissances demeurent chargées de la mission commune de profiter de toute occasion pour rétablir la paix.

In case of a serious difference endangering peace, the states at variance choose respectively a power, to which they intrust the mission of entering into direct communication with the power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, can not exceed thirty days, the states in dispute cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating powers, which must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these powers are charged with the joint task of taking advantage of any opportunity to restore peace.

Titre III. — Des Commissions Internationales d'Enquête

Article 9

Dans les litiges d'ordre international n'engageant ni l'honneur ni des intérêts essentiels et provenant d'une divergence d'appréciation sur des points de fait, les Puissances contractantes jugent utile et désirable que les Parties qui n'auraient pu se mettre d'accord par les voies di-

Part III. — International Commissions of Inquiry

Article 9

In disputes of an international nature involving neither honor nor vital interests, and arising from a difference of opinion on points of fact, the contracting powers deem it expedient and desirable that the parties who have not been able to come to an agreement by means

plomatiques instituent, en tant que les circonstances le permettront, une Commission internationale d'enquête chargée de faciliter la solution de ces litiges en éclaircissant, par un examen impartial et consciencieux, les questions de fait.

ARTICLE 10

Les Commissions internationales d'enquête sont constituées par convention spéciale entre les Parties en litige.

La convention d'enquête précise les faits à examiner; elle détermine le mode et le délai de formation de la Commission et l'étendue des pouvoirs des commissaires.

Elle détermine également, s'il y a lieu, le siège de la Commission et la faculté de se déplacer, la langue dont la Commission fera usage et celles dont l'emploi sera autorisé devant elle, ainsi que la date à laquelle chaque Partie devra déposer son exposé des faits, et généralement toutes les conditions dont les Parties sont convenues.

Si les Parties jugent nécessaire de nommer des assesseurs la, convention d'enquête détermine le mode de leur désignation et l'étendue de leurs pouvoirs.

of diplomacy, should, as far as circumstances allow, institute an international commission of inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE 10

International commissions of inquiry are constituted by special agreement between the parties in dispute.

The inquiry convention defines the facts to be examined; it determines the mode and time in which the commission is to be formed and the extent of the powers of the commissioners.

It also determines, if there is need, where the commission is to sit, and whether it may remove to another place, the language the commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint assessors, the convention of inquiry shall determine the mode of their selection and the extent of their powers.

ARTICLE 11

Si la convention d'enquête n'a pas désigné le siège de la Commission, celle-ci siègera à La Haye.

Le siège une fois fixé ne peut être changé par la Commission qu'avec l'assentiment des Parties.

Si la convention d'enquête n'a pas déterminé les langues à employer, il en est décidé par la Commission.

ARTICLE 12

Sauf stipulation contraire, les Commissions d'enquête sont formées de la manière déterminée par les Articles 45 et 57 de la présente Convention.

ARTICLE 13

En cas de décès, de démission ou d'empêchement, pour quelque cause que ce soit, de l'un des commissaires, ou éventuellement de l'un des assesseurs, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

ARTICLE 14

Les Parties ont le droit de nommer auprès de la Commission d'enquête des agents spéciaux avec la mission de Les représenter et de servir d'intermédiaires entre Elles et la Commission.

ARTICLE 11

If the inquiry convention has not determined where the commission is to sit, it will sit at The Hague.

The place of meeting, once fixed, can not be altered by the commission except with the assent of the parties.

If the inquiry convention has not determined what languages are to be employed, the question shall be decided by the commission.

ARTICLE 12

Unless an undertaking is made to the contrary, commissions of inquiry shall be formed in the manner determined by articles 45 and 57 of the present convention.

ARTICLE 13

Should one of the commissioners or one of the assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 14

The parties are entitled to appoint special agents to attend the commission of inquiry, whose duty it is to represent them and to act as intermediaries between them and the commission.

Elles sont, en outre, autorisées à charger des conseils ou avocats nommés par elles, d'exposer et de soutenir leurs intérêts devant la Commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the commission.

ARTICLE 15

Le Bureau International de la Cour permanente d'arbitrage sert de greffe aux Commissions qui siègent à La Haye, et mettra ses locaux et son organisation à la disposition des Puissances contractantes pour le fonctionnement de la Commission d'enquête.

ARTICLE 15

The International Bureau of the Permanent Court of Arbitration acts as registry for the commissions which sit at The Hague, and it shall place its offices and staff at the disposal of the contracting powers for the use of the commission of inquiry.

ARTICLE 16

Si la Commission siège ailleurs qu'à La Haye, elle nomme un Secrétaire Général dont le bureau lui sert de greffe.

Le greffe est chargé, sous l'autorité du Président, de l'organisation matérielle des séances de la Commission, de la rédaction des procès-verbaux et, pendant le temps de l'enquête, de la garde des archives qui seront ensuite versées au Bureau International de La Haye.

ARTICLE 16

If the commission meets elsewhere than at The Hague, it appoints a secretary general, whose office serves as registry.

It is the function of the registry, under the control of the President, to make the necessary arrangements for the sittings of the commission, the preparation of the minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

ARTICLE 17

En vue de faciliter l'institution et le fonctionnement des Commissions d'enquête, les

ARTICLE 17

In order to facilitate the constitution and working of commissions of inquiry, the con-

Puissances contractantes recommandent les règles suivantes qui seront applicables à la procédure d'enquête en tant que les Parties n'adopteront pas d'autres règles.

ARTICLE 18

La Commission règlera les détails de la procédure non prévus dans la convention spéciale d'enquête ou dans la présente Convention, et procèdera à toutes les formalités que comporte l'administration des preuves.

ARTICLE 19

L'enquête a lieu contradictoirement.

Aux dates prévues, chaque Partie communique à la Commission et à l'autre Partie les exposés des faits, s'il y a lieu, et, dans tous les cas, les actes, pièces et documents qu'Elle juge utiles à la découverte de la vérité, ainsi que la liste des témoins et des experts qu'elle désire faire entendre.

ARTICLE 20

La Commission a la faculté, avec l'assentiment des Parties, de se transporter momentanément sur les lieux où elle juge utile de recourir à ce moyen d'information ou d'y déléguer un ou plusieurs de ses membres. L'autori-

tracting powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

ARTICLE 18

The commission shall settle the details of the procedure not covered by the special inquiry convention or the present convention, and shall arrange all the formalities required for dealing with the evidence.

ARTICLE 19

On the inquiry both sides must be heard.

At the dates fixed, each party communicates to the commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

ARTICLE 20

The commission is entitled, with the assent of the powers, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members.

sation de l'État sur le territoire duquel il doit être procédé à cette information devra être obtenue.

ARTICLE 21

Toutes constatations matérielles, et toutes visites des lieux doivent être faites en présence des agents et conseils des Parties ou eux dûment appelés.

ARTICLE 22

La Commission a le droit de solliciter de l'une ou l'autre Partie telles explications ou informations qu'elle juge utiles.

ARTICLE 23

Les Parties s'engagent à fournir à la Commission d'enquête, dans la plus large mesure qu'Elles jugeront possible, tous les moyens et toutes les facilités nécessaires pour la connaissance complète et l'appréciation exacte des faits en question.

Elles s'engagent à user des moyens dont Elles disposent d'après leur législation intérieure, pour assurer la comparution des témoins ou des experts se trouvant sur leur territoire et cités devant la Commission.

Si ceux-ci ne peuvent comparaître devant la Commission, Elles feront procéder à leur audition devant leurs autorités compétentes.

Permission must be obtained from the state on whose territory it is proposed to hold the inquiry.

ARTICLE 21

Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

ARTICLE 22

The commission is entitled to ask from either party for such explanations and information as it considers necessary.

ARTICLE 23

The parties undertake to supply the commission of inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to ensure the appearance of the witnesses or experts who are in their territory and have been summoned before the commission.

If the witnesses or experts are unable to appear before the commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

ARTICLE 24

Pour toutes les notifications que la Commission aurait à faire sur le territoire d'une tierce Puissance contractante, la Commission s'adressera directement au Gouvernement de cette Puissance. Il en sera de même s'il s'agit de faire procéder sur place à l'établissement de tous moyens de preuve.

Les requêtes adressées à cet effet seront exécutées suivant les moyens dont la Puissance requise dispose d'après Sa législation intérieure. Elles ne peuvent être refusées que si cette Puissance les juge de nature à porter atteinte à Sa souveraineté ou à Sa sécurité.

La Commission aura aussi toujours la faculté de recourir à l'intermédiaire de la Puissance sur le territoire de laquelle elle a son siège.

ARTICLE 25

Les témoins et les experts sont appelés à la requête des Parties ou d'office par la Commission, et, dans tous les cas, par l'intermédiaire du Gouvernement de l'État sur le territoire duquel il se trouvent.

Les témoins sont entendus, successivement et séparément, en présence des agents et des conseils et dans un ordre à fixer par la Commission.

ARTICLE 24

For all notices to be served by the commission in the territory of a third contracting power, the commission shall apply direct to the government of the said power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the power applied to under its municipal law allow. They can not be rejected unless the power in question considers they are calculated to impair its sovereign rights or its safety.

The commission will equally be always entitled to act through the power on whose territory it sits.

ARTICLE 25

The witnesses and experts are summoned on the request of the parties or by the commission of its own motion, and, in every case, through the government of the state in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the commission.

ARTICLE 26

L'interrogatoire des témoins est conduit par le Président.

Les membres de la Commission peuvent néanmoins poser à chaque témoin les questions qu'ils croient convenables pour éclaircir ou compléter sa déposition, ou pour se renseigner sur tout ce qui concerne le témoin dans les limites nécessaires à la manifestation de la vérité.

Les agents et les conseils des Parties ne peuvent interrompre le témoin dans sa déposition, ni lui faire aucune interpellation directe, mais peuvent demander au Président de poser au témoin telles questions complémentaires qu'ils jugent utiles.

ARTICLE 27

Le témoin doit déposer sans qu'il lui soit permis de lire aucun projet écrit. Toutefois, il peut être autorisé par le Président à s'aider de notes ou documents si la nature des faits rapportés en nécessite l'emploi.

ARTICLE 28

Procès-verbal de la déposition du témoin est dressé séance tenante et lecture en est donnée au témoin. Le témoin peut y faire tels changements et additions que bon lui semble et qui

ARTICLE 26

The examination of witnesses is conducted by the President.

The members of the commission may, however, put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the President to put such additional questions to the witness as they think expedient.

ARTICLE 27

The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the President to consult notes or documents if the nature of the facts referred to necessitates their employment.

ARTICLE 28

A minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be re-

seront consignés à la suite de sa déposition.

Lecture faite au témoin de l'ensemble de sa déposition, le témoin est requis de signer.

corded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

ARTICLE 29

Les agents sont autorisés, au cours ou à la fin de l'enquête, à présenter par écrit à la Commission et à l'autre Partie tels dires, réquisitions ou résumés de fait, qu'ils jugent utiles à la découverte de la vérité.

ARTICLE 29

The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

ARTICLE 30

Les délibérations de la Commission ont lieu à huis clos et restent secrètes.

Toute décision est prise à la majorité des membres de la Commission.

Le refus d'un membre de prendre part au vote doit être constaté dans le procès-verbal.

ARTICLE 30

The commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the commission.

If a member declines to vote, the fact must be recorded in the minutes.

ARTICLE 31

Les séances de la Commission ne sont publiques et les procès-verbaux et documents de l'enquête ne sont rendus publics qu'en vertu d'une décision de la Commission, prise avec l'assentiment des Parties.

ARTICLE 31

The sittings of the commission are not public, nor the minutes and documents connected with the inquiry published except in virtue of a decision of the commission taken with the consent of the parties.

ARTICLE 32

Les Parties ayant présenté tous les éclaircissements et preuves,

ARTICLE 32

After the parties have presented all the explanations and

tous les témoins ayant été entendus, le Président prononce la clôture de l'enquête et la Commission s'ajourne pour délibérer et rédiger son rapport.

ARTICLE 33

Le rapport est signé par tous les membres de la Commission.

Si un des membres refuse de signer, mention en est faite; le rapport reste néanmoins valable.

ARTICLE 34

Le rapport de la Commission est lu en séance publique, les agents et les conseils des Parties présents ou dûment appelés.

Un exemplaire du rapport est remis à chaque Partie.

ARTICLE 35

Le rapport de la Commission, limité à la constatation des faits, n'a nullement le caractère d'une sentence arbitrale. Il laisse aux Parties une entière liberté pour la suite à donner à cette constatation.

ARTICLE 36

Chaque Partie supporte ses propres frais et une part égale des frais de la Commission.

evidence, and the witnesses have all been heard, the President declares the inquiry terminated, and the commission adjourns to deliberate and to draw up its report.

ARTICLE 33

The report is signed by all the members of the commission.

If one of the members refuses to sign, the fact is mentioned; but the validity of the report is not affected.

ARTICLE 34

The report of the commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the report is given to each party.

ARTICLE 35

The report of the commission is limited to a statement of facts, and has in no way the character of an award. It leaves to the parties entire freedom as to the effect to be given to the statement.

ARTICLE 36

Each party pays its own expenses and an equal share of the expenses incurred by the commission.

TITRE IV. — DE L'ARBITRAGE INTERNATIONAL

CHAPITRE I. — *De la Justice arbitrale*

ARTICLE 37

L'arbitrage international a pour objet le règlement de litiges entre les États par des juges de leur choix et sur la base du respect du droit.

Le recours à l'arbitrage implique l'engagement de se soumettre de bonne foi à la sentence.

ARTICLE 38

Dans les questions d'orde juridique, et en premier lieu, dans les questions d'interprétation ou d'application des Conventions internationales, l'arbitrage est reconnu par les Puissances contractantes comme le moyen le plus efficace et en même temps le plus équitable de régler les litiges qui n'ont pas été résolus par les voies diplomatiques.

En conséquence, il serait désirable que, dans les litiges sur les questions susmentionnées, les Puissances contractantes eussent, le cas échéant, recours à l'arbitrage, en tant que les circonstances le permettraient.

ARTICLE 39

La Convention d'arbitrage est conclue pour des contestations déjà nées ou pour des contestations éventuelles.

PART IV. — INTERNATIONAL ARBITRATION

CHAPTER I. — *The System of Arbitration*

ARTICLE 37

International arbitration has for its object the settlement of disputes between states by judges of their own choice, and on the basis of respect for law.

Recourse to arbitration implies an engagement to submit in good faith to the award.

ARTICLE 38

In questions of a legal nature, and especially in the interpretation or application of international conventions, arbitration is recognized by the contracting powers as the most effective and at the same time, the most equitable means of settling disputes which diplomacy has failed to settle.

Consequently, it would be desirable that, in disputes about the above-mentioned questions, the contracting powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

ARTICLE 39

The arbitration convention is concluded for questions already existing or for questions which may arise eventually.

Elle peut concerner tout litige ou seulement les litiges d'une catégorie déterminée.

ARTICLE 40

Indépendamment des Traités généraux ou particuliers qui stipulent actuellement l'obligation du recours à l'arbitrage pour les Puissances contractantes, ces Puissances se réservent de conclure des accords nouveaux, généraux ou particuliers, en vue d'étendre l'arbitrage obligatoire à tous les cas qu'Elles jugeront possible de lui soumettre.

CHAPITRE II. — *De la Cour permanente d'arbitrage*

ARTICLE 41

Dans le but de faciliter le recours immédiat à l'arbitrage pour les différends internationaux qui n'ont pu être réglés par la voie diplomatique, les Puissances contractantes s'engagent à maintenir, telle qu'elle a été établie par la Première Conférence de la Paix, la Cour permanente d'arbitrage, accessible en tout temps et fonctionnant, sauf stipulation contraire des Parties, conformément aux règles de procédure insérées dans la présente Convention.

ARTICLE 42

La Cour permanente est compétente pour tous les cas d'arbi-

It may embrace any dispute or only disputes of a certain category.

ARTICLE 40

Independently of general or private treaties expressly stipulating recourse to arbitration as obligatory on the contracting powers, the said powers reserve to themselves the right of concluding new agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II. — *The Permanent Court of Arbitration*

ARTICLE 41

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the contracting powers undertake to maintain the Permanent Court of Arbitration, as established by the First Peace Conference, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present convention.

ARTICLE 42

The Permanent Court is competent for all arbitration cases,

trage, à moins qu'il n'y ait entente entre les Parties pour l'établissement d'une juridiction spéciale.

ARTICLE 43

La Cour permanente a son siège à La Haye.

Un Bureau International sert de greffe à la Cour; il est l'intermédiaire des communications relatives aux réunions de celle-ci; il a la garde des archives et la gestion de toutes les affaires administratives.

Les Puissances contractantes s'engagent à communiquer au Bureau, aussitôt que possible, une copie certifiée conforme de toute stipulation d'arbitrage intervenue entre Elles et de toute sentence arbitrale Les concernant et rendue par des juridictions spéciales.

Elles s'engagent à communiquer de même au Bureau les lois, règlements et documents constatant éventuellement l'exécution des sentences rendues par la Cour.

ARTICLE 44

Chaque Puissance contractante désigne quatre personnes au plus, d'une compétence reconnue dans les questions de droit international, jouissant de la plus haute considération morale et disposées à accepter les fonctions d'arbitre.

unless the parties agree to institute a special tribunal.

ARTICLE 43

The Permanent Court sits at The Hague.

An International Bureau serves as registry for the court. It is the channel for communications relative to the meetings of the court; it has charge of the archives and conducts all the administrative business.

The contracting powers undertake to communicate to the Bureau, as soon as possible, a certified copy of any conditions of arbitration arrived at between them, and of any award concerning them delivered by a special tribunal.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the awards given by the court.

ARTICLE 44

Each contracting power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of arbitrator.

Les personnes ainsi désignées sont inscrites, au titre de Membres de la Cour, sur une liste qui sera notifiée à toutes les Puissances contractantes par les soins du Bureau.

Toute modification à la liste des arbitres est portée, par les soins du Bureau, à la connaissance des Puissances contractantes.

Deux ou plusieurs Puissances peuvent s'entendre pour la désignation en commun d'un ou de plusieurs Membres.

La même personne peut être désignée par des Puissances différentes.

Les Membres de la Cour sont nommés pour un terme de six ans. Leur mandat peut être renouvelé.

En cas de décès ou de retraite d'un Membre de la Cour, il est pourvu à son remplacement selon le mode fixé pour sa nomination, et pour une nouvelle période de six ans.

ARTICLE 45

Lorsque les Puissances contractantes veulent s'adresser à la Cour permanente pour le règlement d'un différend survenu entre Elles, le choix des arbitres appelés à former le Tribunal compétent pour statuer sur ce différend, doit être fait dans la liste générale des Membres de la Cour.

The persons thus selected are inscribed, as members of the court, in a list which shall be notified to all the contracting powers by the Bureau.

Any alteration in the list of arbitrators is brought by the Bureau to the knowledge of the contracting powers.

Two or more powers may agree on the selection in common of one or more members.

The same person can be selected by different powers.

The members of the court are appointed for a term of six years. These appointments are renewable.

Should a member of the court die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case the appointment is made for a fresh period of six years.

ARTICLE 45

When the contracting powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the arbitrators called upon to form the tribunal with jurisdiction to decide this difference must be chosen from the general list of members of the court.

A défaut de constitution du Tribunal arbitral par l'accord des Parties, il est procédé de la manière suivante:

Chaque Partie nomme deux arbitres, dont un seulement peut être son national ou choisi parmi ceux qui ont été désignés par Elle comme Membres de la Cour permanente. Ces arbitres choisissent ensemble un surarbitre.

En cas de partage des voix, le choix du surarbitre est confié à une Puissance tierce, désignée de commun accord par les Parties.

Si l'accord ne s'établit pas à ce sujet, chaque Partie désigne une Puissance différente et le choix du surarbitre est fait de concert par les Puissances ainsi désignées.

Si, dans un délai de deux mois, ces deux Puissances n'ont pu tomber d'accord, chacune d'Elles présente deux candidats pris sur la liste des Membres de la Cour permanente, en dehors des Membres désignés par les Parties et n'étant les nationaux d'aucune d'Elles. Le sort détermine lequel des candidats ainsi présentés sera le surarbitre.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:

Each party appoints two arbitrators, of whom one only can be its national, or chosen from among the persons who have been selected by it as members of the Permanent Court. These arbitrators together choose an umpire.

If the votes are equally divided, the choice of the umpire is intrusted to a third power, selected by the parties by common accord.

If an agreement is not arrived at on this subject each party selects a different power, and the choice of the umpire is made in concert by the powers thus selected.

If, within two months' time, these two powers can not come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being nationals of either of them. Drawing lots determines which of the candidates thus presented shall be umpire.

ARTICLE 46

Dès que le Tribunal est composé, les Parties notifient au Bureau leur décision de s'ad-

ARTICLE 46

The tribunal being thus composed, the parties notify to the Bureau their determi-

resser à la Cour, le texte de leur compromis, et les noms des arbitres.

Le Bureau communique sans délai à chaque arbitre le compromis et les noms des autres Membres du Tribunal.

Le Tribunal se réunit à la date fixée par les Parties. Le Bureau pourvoit à son installation.

Les Membres du Tribunal, dans l'exercice de leurs fonctions et en dehors de leur pays, jouissent des privilèges et immunités diplomatiques.

ARTICLE 47

Le Bureau est autorisé à mettre ses locaux et son organisation à la disposition des Puissances contractantes pour le fonctionnement de toute juridiction spéciale d'arbitrage.

La juridiction de la Cour permanente peut être étendue, dans les conditions prescrites par les règlements, aux litiges existant entre des Puissances non contractantes ou entre des Puissances contractantes et des Puissances non contractantes, si les Parties sont convenues de recourir à cette juridiction.

ARTICLE 48

Les Puissances contractantes considèrent comme un devoir, dans les cas où un conflit aigu

nation to have recourse to the court, the text of their *compromis*, and the names of the arbitrators.

The Bureau communicates without delay to each arbitrator the *compromis*, and the names of the other members of the tribunal.

The tribunal assembles at the date fixed by the parties. The Bureau makes the necessary arrangements for the meeting.

The members of the tribunal, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.

ARTICLE 47

The Bureau is authorized to place its offices and staff at the disposal of the contracting powers for the use of any special board of arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between noncontracting powers, or between contracting powers and noncontracting powers, if the parties are agreed on recourse to this tribunal.

ARTICLE 48

The contracting powers consider it their duty, if a serious dispute threatens to break out

menacerait d'éclater entre deux ou plusieurs d'entre Elles, de rappeler à celles-ci que la Cour permanente leur est ouverte.

En conséquence, Elles déclarent que le fait de rappeler aux Parties en conflit les dispositions de la présente Convention, et le conseil donné, dans l'intérêt supérieur de la paix, de s'adresser à la Cour permanente, ne peuvent être considérés que comme actes de bons offices.

En cas de conflit entre deux Puissances, l'une d'Elles pourra toujours adresser au Bureau International une note contenant sa déclaration qu'Elle serait disposée à soumettre le différend à un arbitrage.

Le Bureau devra porter aussitôt la déclaration à la connaissance de l'autre Puissance.

between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.

The Bureau must at once inform the other power of the declaration.

ARTICLE 49

Le Conseil administratif permanent, composé des Représentants diplomatiques des Puissances contractantes accrédités à La Haye et du Ministre des Affaires Étrangères des Pays-Bas, qui remplit les fonctions de Président, a la direction et le contrôle du Bureau International.

Le Conseil arrête son règlement d'ordre ainsi que tous autres règlements nécessaires.

Il décide toutes les questions administratives qui pourraient

ARTICLE 49

The Permanent Administrative Council, composed of the diplomatic representatives of the contracting powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, is charged with the direction and control of the International Bureau.

The Council settles its rules of procedure and all other necessary regulations.

It decides all questions of administration which may arise

surgir touchant le fonctionnement de la Cour.

Il a tout pouvoir quant à la nomination, la suspension ou la révocation des fonctionnaires et employés du Bureau.

Il fixe les traitements et salaires, et contrôle la dépense générale.

La présence de neuf membres dans les réunions dûment convoquées suffit pour permettre au Conseil de délibérer valablement. Les décisions sont prises à la majorité des voix.

Le Conseil communique sans délai aux Puissances contractantes les règlements adoptés par lui. Il Leur présente chaque année un rapport sur les travaux de la Cour, sur le fonctionnement des services administratifs et sur les dépenses. Le rapport contient également un résumé du contenu essentiel des documents communiqués au Bureau par les Puissances en vertu de l'article 43 alinéas 3 et 4.

ARTICLE 50

Les frais du Bureau seront supportés par les Puissances contractantes dans la proportion établie pour le Bureau international de l'Union postale universelle.

Les frais à la charge des Puissances adhérentes seront comptés à partir du jour où leur adhésion produit ses effets.

with regard to the operations of the court.

It has entire control over the appointment, suspension, or dismissal of the officials and employés of the Bureau.

It fixes the payments and salaries, and controls the general expenditure.

At meetings duly summoned the presence of nine members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the contracting powers without delay the regulations adopted by it. It furnishes them with an annual report on the labors of the court, the working of the administration, and the expenditure. The report likewise contains a résumé of what is important in the documents communicated to the Bureau by the powers in virtue of article 43, paragraphs 3 and 4.

ARTICLE 50

The expenses of the Bureau shall be borne by the contracting powers in the proportion fixed for the International Bureau of the Universal Postal Union.

The expenses to be charged to the adhering powers shall be reckoned from the date on which their adhesion comes into force.

CHAPITRE III. — *De la procédure arbitrale*

ARTICLE 51

En vue de favoriser le développement de l'arbitrage, les Puissances contractantes ont arrêté les règles suivantes qui sont applicables à la procédure arbitrale, en tant que les Parties ne sont pas convenues d'autres règles.

ARTICLE 52

Les Puissances qui recourent à l'arbitrage signent un compromis dans lequel sont déterminés l'objet du litige, le délai de nomination des arbitres, la forme, l'ordre et les délais dans lesquels la communication visée par l'article 63 devra être faite, et le montant de la somme que chaque Partie aura à déposer à titre d'avance pour les frais.

Le compromis détermine également, s'il y a lieu, le mode de nomination des arbitres, tous pouvoirs spéciaux éventuels du Tribunal, son siège, la langue dont il fera usage et celles dont l'emploi sera autorisé devant lui, et généralement toutes les conditions dont les Parties sont convenues.

ARTICLE 53

La Cour permanente est compétente pour l'établissement du

CHAPTER III. — *Arbitration Procedure*

ARTICLE 51

With a view to encouraging the development of arbitration, the contracting powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

ARTICLE 52

The powers which have recourse to arbitration sign a *compromis*, in which the subject of the dispute is clearly defined, the time allowed for appointing arbitrators, the form, order, and time in which the communication referred to in article 63 must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.

The *compromis* likewise defines, if there is occasion, the manner of appointing arbitrators, any special powers which may eventually belong to the Tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which the parties are agreed.

ARTICLE 53

The Permanent Court is competent to settle the *com-*

compromis, si les Parties sont d'accord pour s'en remettre à elle.

Elle est également compétente, même si la demande est faite seulement par l'une des Parties, après qu'un accord par la voie diplomatique a été vainement essayé, quand il s'agit:

1°. d'un différend rentrant dans un Traité d'arbitrage général conclu ou renouvelé après la mise en vigueur de cette Convention et qui prévoit pour chaque différend un compromis et n'exclut pour l'établissement de ce dernier ni explicitement ni implicitement la compétence de la Cour. Toutefois, le recours à la Cour n'a pas lieu si l'autre Partie déclare qu'à son avis le différend n'appartient pas à la catégorie des différends à soumettre à un arbitrage obligatoire, à moins que le Traité d'arbitrage ne confère au Tribunal arbitral le pouvoir de décider cette question préalable;

2°. d'un différend provenant de dettes contractuelles réclamées à une Puissance par une autre Puissance comme dues à ses nationaux, et pour la solution duquel l'offre d'arbitrage a été acceptée. Cette disposition n'est pas applicable si l'acceptation a été subordonnée à la condition

promis, if the parties are agreed to have recourse to it for the purpose.

It is similarly competent, even if the request is only made by one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of:

1. A dispute covered by a general treaty of arbitration concluded or renewed after the present convention has come into force, and providing for a *compromis* in all disputes and not either explicitly or implicitly excluding the settlement of the *compromis* from the competence of the court. Recourse can not, however, be had to the court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the treaty of arbitration confers upon the Arbitration Tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one power by another power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the *compromis*

que le compromis soit établi selon un autre mode.

ARTICLE 54

Dans les cas prévus par l'article précédent, le compromis sera établi par une commission composée de cinq membres désignés de la manière prévue à l'article 45 aliénas 3 à 6.

Le cinquième membre est de droit Président de la commission.

ARTICLE 55

Les fonctions arbitrales peuvent être conférées à un arbitre unique ou à plusieurs arbitres désignés par les Parties à leur gré, ou choisis par Elles parmi les Membres de la Cour permanente d'arbitrage établie par la présente Convention.

A défaut de constitution du Tribunal par l'accord des Parties, il est procédé de la manière indiquée à l'article 45 alinéas 3 à 6.

ARTICLE 56

Lorsqu'un Souverain ou un Chef d'État est choisi pour arbitre, la procédure arbitrale est réglée par Lui.

ARTICLE 57

Le surarbitre est de droit Président du Tribunal.

Lorsque le Tribunal ne comprend pas de surarbitre, il nomme lui-même son Président.

should be settled in some other way.

ARTICLE 54

In the cases contemplated in the preceding article, the *compromis* shall be settled by a commission consisting of five members selected in the manner arranged for in article 45, paragraphs 3 to 6.

The fifth member is President of the commission *ex officio*.

ARTICLE 55

The duties of arbitrator may be conferred on one arbitrator alone or on several arbitrators selected by the parties as they please, or chosen by them from the members of the Permanent Court of Arbitration established by the present convention.

Failing the constitution of the tribunal by direct agreement between the parties, the course referred to in article 45, paragraphs 3 to 6, is followed.

ARTICLE 56

When a sovereign or the chief of a state is chosen as arbitrator, the arbitration procedure is settled by him.

ARTICLE 57

The umpire is President of the tribunal *ex officio*.

When the tribunal does not include an umpire, it appoints its own President.

ARTICLE 58

En cas d'établissement du compromis par une commission, telle qu'elle est visée à l'article 54, et sauf stipulation contraire, la commission elle même formera le Tribunal d'arbitrage.

ARTICLE 59

En cas de décès, de démission au d'empêchement, pour quelque cause que ce soit, de l'un des arbitres, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

ARTICLE 60

A défaut de désignation par les Parties, le Tribunal siège à La Haye.

Le Tribunal ne peut siéger sur le territoire d'une tierce Puissance qu'avec l'assentiment de celle-ci.

Le siège une fois fixé ne peut être changé par le Tribunal qu'avec l'assentiment des Parties.

ARTICLE 61

Si le compromis n'a pas déterminé les langues à employer, il en est décidé par le Tribunal.

ARTICLE 62

Les Parties ont le droit de nommer auprès du Tribunal des

ARTICLE 58

When the *compromis* is settled by a commission, as contemplated in article 54, and in the absence of an agreement to the contrary, the commission itself shall form the Arbitration Tribunal.

ARTICLE 59

Should one of the arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 60

The tribunal sits at The Hague, unless some other place is selected by the parties.

The tribunal can only sit in the territory of a third power with the latter's consent.

The place of meeting once fixed can not be altered by the tribunal, except with the consent of the parties.

ARTICLE 61

If the question as to what languages are to be used has not been settled by the *compromis*, it shall be decided by the tribunal.

ARTICLE 62

The parties are entitled to appoint special agents to attend

agents spéciaux, avec la mission de servir d'intermédiaires entre Elles et le Tribunal.

Elles sont en outre autorisées à charger de la défense de leurs droits et intérêts devant le Tribunal, des conseils ou avocats nommés par Elles à cet effet.

Les Membres de la Cour permanente ne peuvent exercer les fonctions d'agents, conseils ou avocats, qu'en faveur de la Puissance qui les a nommés Membres de la Cour.

the tribunal to act as intermediaries between themselves and the tribunal.

They are further authorized to retain for the defense of their rights and interests before the tribunal counsel or advocates appointed by themselves for this purpose.

The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the power which appointed them members of the court.

ARTICLE 63

La procédure arbitrale comprend en règle générale deux phases distinctes: l'instruction écrite et les débats.

L'instruction écrite consiste dans la communication faite par les agents respectifs, aux membres du Tribunal et à la Partie adverse, des mémoires, des contre-mémoires et, au besoin, des répliques; les Parties y joignent toutes pièces et documents invoqués dans la cause. Cette communication aura lieu, directement ou par l'intermédiaire du Bureau International, dans l'ordre et dans les délais déterminés par le compromis.

Les délais fixés par le compromis pourront être prolongés de commun accord par les

ARTICLE 63

As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the tribunal and the opposite party of cases, counter-cases, and, if necessary, of replies; the parties annex thereto all papers and documents called for in the case. This communication shall be made either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the *compromis*.

The time fixed by the *compromis* may be extended by mutual agreement by the parties, or

Parties, ou par le Tribunal quand il le juge nécessaire pour arriver à une décision juste.

Les débats consistent dans le développement oral des moyens des Parties devant le Tribunal.

ARTICLE 64

Toute pièce produite par l'une des Parties doit être communiquée, en copie certifiée conforme, à l'autre Partie.

ARTICLE 65

A moins de circonstances spéciales, le Tribunal ne se réunit qu'après la clôture de l'instruction.

ARTICLE 66

Les débats sont dirigés par le Président.

Ils ne sont publics qu'en vertu d'une décision du Tribunal, prise avec l'assentiment des Parties.

Ils sont consignés dans des procès-verbaux rédigés par des secrétaires que nomme le Président. Ces procès-verbaux sont signés par le Président et par un des secrétaires; ils ont seuls caractère authentique.

ARTICLE 67

L'instruction étant close, le Tribunal a le droit d'écarter du débat tous actes ou documents nouveaux qu'une des Parties

by the tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussions consist in the oral development before the tribunal of the arguments of the parties.

ARTICLE 64

A certified copy of every document produced by one party must be communicated to the other party.

ARTICLE 65

Unless special circumstances arise, the tribunal does not meet until the pleadings are closed.

ARTICLE 66

The discussions are under the control of the President.

They are only public if it be so decided by the tribunal, with the assent of the parties.

They are recorded in minutes drawn up by the secretaries appointed by the President. These minutes are signed by the President and by one of the secretaries and alone have an authentic character.

ARTICLE 67

After the close of the pleadings, the tribunal is entitled to refuse discussion of all new papers or documents which one of the

voudrait lui soumettre sans le consentement de l'autre.

ARTICLE 68

Le Tribunal demeure libre de prendre en considération les actes ou documents nouveaux sur lesquels les agents ou conseils des Parties appelleraient son attention.

En ce cas, le Tribunal a le droit de requérir la production de ces actes ou documents, sauf l'obligation d'en donner connaissance à la Partie adverse.

ARTICLE 69

Le Tribunal peut, en outre, requérir des agents des Parties la production de tous actes et demander toutes explications nécessaires. En cas de refus, le Tribunal en prend acte.

ARTICLE 70

Les agents et les conseils des Parties sont autorisés à présenter oralement au Tribunal tous les moyens qu'ils jugent utiles à la défense de leur cause.

ARTICLE 71

Ils ont le droit de soulever des exceptions et des incidents. Les décisions du Tribunal sur ces points sont définitives et ne peuvent donner lieu à aucune discussion ultérieure.

ARTICLE 72

Les membres du Tribunal ont le droit de poser des questions

parties may wish to submit to it without the consent of the other party.

ARTICLE 68

The tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the tribunal has the right to require the production of these papers or documents, but is obliged to make them known to the opposite party.

ARTICLE 69

The tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the tribunal takes note of it.

ARTICLE 70

The agents and the counsel of the parties are authorized to present orally to the tribunal all the arguments they may consider expedient in defense of their case.

ARTICLE 71

They are entitled to raise objections and points. The decisions of the tribunal on these points are final and can not form the subject of any subsequent discussion.

ARTICLE 72

The members of the tribunal are entitled to put questions

aux agents et aux conseils des Parties et de leur demander des éclaircissements sur les points douteux.

Ni les questions posées, ni les observations faites par les membres du Tribunal pendant le cours des débats ne peuvent être regardées comme l'expression des opinions du Tribunal en général ou de ses membres en particulier.

ARTICLE 73

Le Tribunal est autorisé à déterminer sa compétence en interprétant le compromis ainsi que les autres actes et documents qui peuvent être invoqués dans la matière, et en appliquant les principes du droit.

ARTICLE 74

Le Tribunal a le droit de rendre des ordonnances de procédure pour la direction du procès, de déterminer les formes, l'ordre et les délais dans lesquels chaque Partie devra prendre ses conclusions finales, et de procéder à toutes les formalités que comporte l'administration des preuves.

ARTICLE 75

Les Parties s'engagent à fournir au Tribunal, dans la plus large mesure qu'Elles jugeront possible, tous les moyens nécessaires pour la décision du litige.

to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put nor the remarks made by members of the tribunal in the course of the discussions, can be regarded as an expression of opinion by the tribunal in general, or by its members in particular.

ARTICLE 73

The tribunal is authorized to declare its competence in interpreting the *compromis*, as well as the other acts and documents which may be invoked, and in applying the principles of law.

ARTICLE 74

The tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, order, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE 75

The parties undertake to supply the tribunal, as fully as they consider possible, with all the information required for deciding the case.

ARTICLE 76

Pour toutes les notifications que le Tribunal aurait à faire sur le territoire d'une tierce Puissance contractante, le Tribunal s'adressera directement au Gouvernement de cette Puissance. Il en sera de même s'il s'agit de faire procéder sur place à l'établissement de tous moyens de preuve.

Les requêtes adressées à cet effet seront exécutées suivant les moyens dont la Puissance requise dispose d'après sa législation intérieure. Elles ne peuvent être refusées que si cette Puissance les juge de nature à porter atteinte à sa souveraineté ou à sa sécurité.

Le Tribunal aura aussi toujours la faculté de recourir à l'intermédiaire de la Puissance sur le territoire de laquelle il a son siège.

ARTICLE 77

Les agents et les conseils des Parties ayant présenté tous les éclaircissements et preuves à l'appui de leur cause, le Président prononce la clôture des débats.

ARTICLE 78

Les délibérations du Tribunal ont lieu à huis clos et restent secrètes.

Toute décision est prise à la majorité de ses membres.

ARTICLE 76

For all notices which the tribunal has to serve in the territory of a third contracting power, the tribunal shall apply direct to the government of that power. The same rule applies in the case of steps being taken to procure evidence on the spot.

The requests for this purpose are to be executed as far as the means at the disposal of the power applied to under its municipal law allow. They can not be rejected unless the power in question considers them calculated to impair its own sovereign rights or its safety.

The court will equally be always entitled to act through the power on whose territory it sits.

ARTICLE 77

When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case the President shall declare the discussion closed.

ARTICLE 78

The tribunal considers its decisions in private and the proceedings remain secret.

All questions are decided by a majority of the members of the tribunal.

ARTICLE 79

La sentence arbitrale est motivée. Elle mentionne les noms des arbitres; elle est signée par le Président et par le greffier ou le secrétaire faisant fonctions de greffier.

ARTICLE 80

La sentence est lue en séance publique, les agents et les conseils des Parties présents ou dûment appelés.

ARTICLE 81

La sentence, dûment prononcée et notifiée aux agents des Parties, décide définitivement et sans appel la contestation.

ARTICLE 82

Tout différend qui pourrait surgir entre les Parties, concernant l'interprétation et l'exécution de la sentence, sera, sauf stipulation contraire, soumis au jugement du Tribunal qui l'a rendue.

ARTICLE 83

Les Parties peuvent se réserver dans le compromis de demander la révision de la sentence arbitrale.

Dans ce cas, et sauf stipulation contraire, la demande doit être adressée au Tribunal qui a rendu la sentence. Elle ne peut être motivée que par la découverte

ARTICLE 79

The award must give the reasons on which it is based. It contains the names of the arbitrators; it is signed by the President and Registrar or by the Secretary acting as Registrar.

ARTICLE 80

The award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

ARTICLE 81

The award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

ARTICLE 82

Any dispute arising between the parties as to the interpretation and execution of the award shall, in the absence of an agreement to the contrary, be submitted to the tribunal which pronounced it.

ARTICLE 83

The parties can reserve in the *compromis* the right to demand the revision of the award.

In this case and unless there be an agreement to the contrary, the demand must be addressed to the tribunal which pronounced the award. It can only be

d'un fait nouveau qui eût été de nature à exercer une influence décisive sur la sentence et qui, lors de la clôture des débats, était inconnu du Tribunal lui-même et de la Partie qui a demandé la révision.

La procédure de révision ne peut être ouverte que par une décision du Tribunal constatant expressément l'existence du fait nouveau, lui reconnaissant les caractères prévus par le paragraphe précédent et déclarant à ce titre la demande recevable.

Le compromis détermine le délai dans lequel la demande de révision doit être formée.

made on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the award and which was unknown to the tribunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can only be instituted by a decision of the tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The *compromis* fixes the period within which the demand for revision must be made.

ARTICLE 84

La sentence arbitrale n'est obligatoire que pour les Parties en litige.

Lorsqu'il s'agit de l'interprétation d'une convention à laquelle ont participé d'autres Puissances que les Parties en litige, celles-ci avertissent en temps utile toutes les Puissances signataires. Chacune de ces Puissances a le droit d'intervenir au procès. Si une ou plusieurs d'entre Elles ont profité de cette faculté, l'interprétation contenue dans la sentence est également obligatoire à leur égard.

ARTICLE 84

The award is not binding except on the parties in dispute.

When it concerns the interpretation of a convention to which powers other than those in dispute are parties, they shall inform all the signatory powers in good time. Each of these powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the award is equally binding on them.

ARTICLE 85

Chaque Partie supporte ses propres frais et une part égale des frais du Tribunal.

ARTICLE 85

Each party pays its own expenses and an equal share of the expenses of the tribunal.

CHAPITRE IV. — *De la procédure sommaire d'arbitrage*

ARTICLE 86

En vue de faciliter le fonctionnement de la justice arbitrale, lorsqu'il s'agit de litiges de nature à comporter une procédure sommaire, les Puissances contractantes arrêtent les règles ci-après qui seront suivies en l'absence de stipulations différentes, et sous réserve, le cas échéant, de l'application des dispositions du chapitre III qui ne seraient pas contraires.

CHAPTER IV. — *Arbitration by Summary Procedure*

ARTICLE 86

With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the contracting powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of Chapter III apply so far as may be.

ARTICLE 87

Chacune des Parties en litige nomme un arbitre. Les deux arbitres ainsi désignés choisissent un surarbitre. S'ils ne tombent pas d'accord à ce sujet, chacun présente deux candidats pris sur la liste générale des Membres de la Cour permanente, en dehors des Membres indiqués par chacune des Parties Elles-mêmes et n'étant les nationaux d'aucune d'Elles; le sort détermine lequel des candidats ainsi présentés sera le surarbitre.

Le surarbitre préside le Tribunal, qui rend ses décisions à la majorité des voix.

ARTICLE 87

Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.

The umpire presides over the tribunal, which gives its decisions by a majority of votes.

ARTICLE 88

A défaut d'accord préalable, le Tribunal fixe, dès qu'il est constitué, le délai dans lequel les deux Parties devront lui soumettre leurs mémoires respectifs.

ARTICLE 89

Chaque Partie est représentée devant le Tribunal par un agent qui sert d'intermédiaire entre le Tribunal et le Gouvernement qui l'a désigné.

ARTICLE 90

La procédure a lieu exclusivement par écrit. Toutefois, chaque Partie a le droit de demander la comparution de témoins et d'experts. Le Tribunal a, de son côté, la faculté de demander des explications orales aux agents des deux Parties, ainsi qu'aux experts et aux témoins dont il juge la comparution utile.

TITRE V. — DISPOSITIONS FINALES

ARTICLE 91

La présente Convention dûment ratifiée remplacera, dans les rapports entre les Puissances contractantes, la Convention pour le règlement pacifique des conflits internationaux du 29 juillet 1899.

ARTICLE 92

La présente Convention sera ratifiée aussitôt que possible.

ARTICLE 88

In the absence of any previous agreement the tribunal, as soon as it is formed, settles the time within which the two parties must submit their respective cases to it.

ARTICLE 89

Each party is represented before the tribunal by an agent, who serves as intermediary between the tribunal and the government who appointed him.

ARTICLE 90

The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The tribunal has, for its part, the right to demand oral explanations from the agents of the two parties, as well as from the experts and witnesses whose appearance in court it may consider useful.

PART V. — FINAL PROVISIONS

ARTICLE 91

The present convention, duly ratified, shall replace, as between the contracting powers, the convention for the pacific settlement of international disputes of the 29th July, 1899.

ARTICLE 92

The present convention shall be ratified as soon as possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise, par les soins du Gouvernement des Pays-Bas et par la voie diplomatique, aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement Leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 93

Les Puissances non signataires qui ont été conviées à la Deux-

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to those powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the powers of the date on which it received the notification.

ARTICLE 93

Nonsignatory powers which have been invited to the Second

ième Conférence de la Paix pourront adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances conviées à la Deuxième Conférence de la Paix copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

Article 94

Les conditions auxquelles les Puissances qui n'ont pas été conviées à la Deuxième Conférence de la Paix, pourront adhérer à la présente Convention, formeront l'objet d'une entente ultérieure entre les Puissances contractantes.

Article 95

La présente Convention produira effet, pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhèreront, soixante jours après que la noti-

Peace Conference may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Article 94

The conditions on which the powers which have not been invited to the Second Peace Conference may adhere to the present convention shall form the subject of a subsequent agreement between the contracting powers.

Article 95

The present convention shall take effect, in the case of the powers which were not a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty

fication de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 96

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 97

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 92 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 93 alinéa 2) ou de dénonciation (article 96 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 96

In the event of one of the contracting parties wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 97

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of article 92, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 93, paragraph 2) or of denunciation (article 96, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.[1]

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the contracting powers.[1]

CONVENTION CONCERNANT LA LIMITATION DE L'EMPLOI DE LA FORCE POUR LE RECOUVREMENT DE DETTES CONTRACTUELLES

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Désireux d'éviter entre les nations des conflits armés d'une origine pécuniaire, provenant de dettes contractuelles, réclamées

CONVENTION RESPECTING THE LIMITATION OF THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS

His Majesty the German Emperor, King of Prussia; etc.:

Being desirous of avoiding between nations armed conflicts of a pecuniary origin arising from contract debts which are claimed

[1] On April 2, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention for the pacific settlement of international disputes, signed October 18, 1907, subject to the following reserve and declaration:

"'Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration of any foreign state; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.'

"*Resolved further*, as a part of this act of ratification, that the United States approves this convention with the understanding that recourse to the permanent court for the settlement of differences can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute; and the United States now exercises the option contained in Article 53 of said convention, to exclude the formulation of the 'compromis' by the permanent court, and hereby excludes from the competence of the permanent court the power to frame the 'compromis' required by general or special treaties of arbitration concluded or hereafter to be concluded by the United States, and further expressly declares that the 'compromis' required by any treaty of arbitration to which the United States may be a party shall be settled only by agreement between the contracting parties, unless such treaty shall expressly provide otherwise." — EDITOR.

au Gouvernement d'un pays par le Gouvernement d'un autre pays comme dues à ses nationaux,

Ont résolu de conclure une Convention à cet effet et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des dispositions suivantes:

ARTICLE 1

Les Puissances contractantes sont convenues de ne pas avoir recours à la force armée pour le recouvrement de dettes contractuelles réclamées au Gouvernement d'un pays par le Gouvernement d'un autre pays comme dues à ses nationaux.

Toutefois, cette stipulation ne pourra être appliquée quand l'État débiteur refuse ou laisse sans réponse une offre d'arbitrage, ou, en cas d'acceptation, rend impossible l'établissement du compromis, ou, après l'arbitrage, manque de se conformer à la sentence rendue.

ARTICLE 2

Il est de plus convenu que l'arbitrage, mentionné dans l'alinéa 2 de l'article précédent, sera soumis à la procédure prévue

from the government of one country by the government of another country as due to its nationals,

Have resolved to conclude a convention to this effect, and have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

The contracting powers agree not to have recourse to armed force for the recovery of contract debts claimed from the government of one country by the government of another country as being due to its nationals.

This undertaking is, however, not applicable when the debtor state refuses or neglects to reply to an offer of arbitration, or after accepting the offer, prevents any *compromis* from being agreed on, or, after the arbitration fails to submit to the award.

ARTICLE 2

It is further agreed that the arbitration mentioned in paragraph 2 of the foregoing article shall be subject to the procedure

par le titre IV chapitre III de la Convention de La Haye pour le règlement pacifique des conflits internationaux. Le jugement arbitral détermine, sauf les arrangements particuliers des Parties, le bienfondé de la réclamation, le montant de la dette, le temps et le mode de paiement.

ARTICLE 3

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise, par les soins du Gouvernement des Pays-Bas et par la voie diplomatique, aux Puissances conviées à la Deuxième Con-

laid down in Part IV, Chapter III, of the Hague convention for the pacific settlement of international disputes. The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

ARTICLE 3

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers taking part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be sent immediately by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as

férence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 4

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances conviées à la Deuxième Conférence de la Paix copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 5

La présente Convention produira effet pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt, pour les Puissances qui ratifieront ultérieurement ou qui adhèreront, soixante jours après que la notification

well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 4

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall forward immediately to all the other powers invited to the Second Peace Conference a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 5

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their

de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 6

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 7

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 3 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 4 alinéa 2) ou de dénonciation (article 6 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipoten-

ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 6

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 7

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of article 3, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 4, paragraph 2) or of denunciation (article 6, paragraph 1) were received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipo-

tiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies certifiées conformes seront remises par la voie diplomatique aux Puissances contractantes.[1]

tentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to the contracting powers through the diplomatic channel.[1]

CONVENTION RELATIVE À L'OUVERTURE DES HOSTILITÉS

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Considérant que, pour la sécurité des relations pacifiques, il importe que les hostilités ne commencent pas sans un avertissement préalable;

Qu'il importe, de même, que l'état de guerre soit notifié sans retard aux Puissances neutres;

Désirant conclure une Convention à cet effet, ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

CONVENTION RELATIVE TO THE OPENING OF HOSTILITIES

His Majesty the German Emperor, King of Prussia; etc.:

Considering that it is important, in order to insure the maintenance of pacific relations, that hostilities should not commence without previous warning.

That it is equally important that the existence of a state of war should be notified without delay to neutral powers;

Being desirous of concluding a convention to this effect, have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

[1] On April 17, 1908, the Senate of the United States, in executive session, advised and consented as follows to the ratification of the convention respecting the limitation of the employment of force for the recovery of contract debts, signed October 18, 1907:

"*Resolved further*, as a part of this act of ratification, that the United States approves this convention with the understanding that recourse to the permanent court for the settlement of the differences referred to in said convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute." — EDITOR.

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

ARTICLE 1

Les Puissances contractantes reconnaissent que les hostilités entre elles ne doivent pas commencer sans un avertissement préalable et non équivoque, qui aura, soit la forme d'une déclaration de guerre motivée, soit celle d'un ultimatum avec déclaration de guerre conditionnelle.

ARTICLE 2

L'état de guerre devra être notifié sans retard aux Puissances neutres et ne produira effet à leur égard qu'après réception d'une notification qui pourra être faite même par voie télégraphique. Toutefois les Puissances neutres ne pourraient invoquer l'absence de notification, s'il était établi d'une manière non douteuse qu'en fait elles connaissaient l'état de guerre.

ARTICLE 3

L'article 1 de la présente Convention produira effet en cas de guerre entre deux ou plusieurs des Puissances contractantes.

L'article 2 est obligatoire dans les rapports entre un belligérant contractant et les Puissances neutres également contractantes.

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

The contracting powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war.

ARTICLE 2

The existence of a state of war must be notified to the neutral powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral powers, nevertheless, can not rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

ARTICLE 3

Article 1 of the present convention shall take effect in case of war between two or more of the contracting powers.

Article 2 is binding as between a belligerent power which is a party to the convention and neutral powers which are also parties to the convention.

ARTICLE 4

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent ainsi que des instruments de ratification, sera immédiatement remise par les soins du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 5

Les Puissances non signataires

ARTICLE 4

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 5

Nonsignatory powers may ad-

sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 6

La présente Convention produira effet, pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt, et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 7

S'il arrivait qu'une des Hautes Parties contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes

here to the present convention.

The power which wishes to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once forward to all the other powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE 6

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 7

In the event of one of the high contracting parties wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of

les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après quel la notification en sera parvenue au Gouvernement des Pays-Bas.

the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 8

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 4 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 5 alinéa 2) ou de dénonciation (article 7 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

ARTICLE 8

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of article 4, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 5, paragraph 2) or of denunciation (article 7, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplo-

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic

matique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.[1]

channel, to the powers which have been invited to the Second Peace Conference.[1]

CONVENTION CONCERNANT LES LOIS ET COUTUMES DE LA GUERRE SUR TERRE

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Considérant que, tout en recherchant les moyens de sauvegarder la paix et de prévenir les conflits armés entre les nations, il importe de se préoccuper également du cas où l'appel aux armes serait amené par des évènements que leur sollicitude n'aurait pu détourner;

Animés du désir de servir encore, dans cette hypothèse extrême, les intérêts de l'humanité et les exigences toujours progressives de la civilisation;

Estimant qu'il importe, à cette fin, de réviser les lois et coutumes générales de la guerre, soit dans le but de les définir avec plus de précision, soit afin d'y tracer certaines limites destinées à en restreindre autant que possible les rigueurs;

Ont jugé nécessaire de compléter et de préciser sur certains points l'œuvre de la Première Conférence de la Paix qui, s'inspirant, à la suite de la Conférence de Bruxelles de 1874, de

CONVENTION RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

His Majesty the German Emperor, King of Prussia; etc.:

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention relative to the opening of hostilities, signed October 18, 1907. — EDITOR.

ces idées recommandées par une sage et généreuse prévoyance, a adopté des dispositions ayant pour objet de définir et de régler les usages de la guerre sur terre.

Selon les vues des Hautes Parties contractantes, ces dispositions, dont la rédaction a été inspirée par le désir de diminuer les maux de la guerre, autant que les nécessités militaires le permettent, sont destinées à servir de règle générale de conduite aux belligérants, dans leurs rapports entre eux et avec les populations.

Il n'a pas été possible toutefois de concerter dés maintenant des stipulations s'étendant à toutes les circonstances qui se présentent dans la pratique;

D'autre part, il ne pouvait entrer dans les intentions des Hautes Parties contractantes que les cas non prévus fussent, faute de stipulation écrite, laissées à l'appréciation arbitraire de ceux qui dirigent les armées.

En attendant qu'un Code plus complet des lois de la guerre puisse être édicté, les Hautes Parties contractantes jugent opportun de constater que, dans les cas non compris dans les dispositions réglementaires adoptées par Elles, les populations et les belligérants restent sous la sauvegarde et sous l'empire des principes du droit des gens, tels qu'ils résultent

by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the high contracting parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert regulations covering all the circumstances which arise in practice;

On the other hand, the high contracting parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the high contracting parties deem it expedient to declare that, in cases not included in the regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages

des usages établis entre nations civilisées, des lois de l'humanité et des exigences de la conscience publique.

Elles déclarent que c'est dans ce sens que doivent s'entendre notamment les articles 1 et 2 du Règlement adopté.

Les Hautes Parties contractantes, désirant conclure une nouvelle Convention a cet effet, ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

ARTICLE 1

Les Puissances contractantes donneront à leurs forces armées de terre des instructions qui seront conformes au Règlement concernant les lois et coutumes de la guerre sur terre, annexé à la présente Convention.

ARTICLE 2

Les dispositions contenues dans le Règlement visé à l'article 1er ainsi que dans la présente Convention, ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that articles 1 and 2 of the regulations adopted must be understood.

The high contracting parties, wishing to conclude a fresh convention to this effect, have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:

ARTICLE 1

The contracting powers shall issue instructions to their armed land forces which shall be in conformity with the regulations respecting the laws and customs of war on land, annexed to the present convention.

ARTICLE 2

The provisions contained in the regulations referred to in article 1, as well as in the present convention, do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 3

La Partie belligérante qui violerait les dispositions dudit Règlement sera tenue à indemnité, s'il y a lieu. Elle sera responsable de tous actes commis par les personnes faisant partie de sa force armée.

ARTICLE 4

La présente Convention dûment ratifiée remplacera, dans les rapports entre les Puissances contractantes, la Convention du 29 juillet 1899 concernant les lois et coutumes de la guerre sur terre.

La Convention de 1899 reste en vigueur dans les rapports entre les Puissances qui l'ont signée et qui ne ratifieraient pas également la présente Convention.

ARTICLE 5

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite adressée au Gouvernement des Pays-Bas

ARTICLE 3

A belligerent party which violates the provisions of the said regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ARTICLE 4

The present convention, duly ratified, shall as between the contracting powers, be substituted for the convention of the 29th July, 1899, respecting the laws and customs of war on land.

The convention of 1899 remains in force as between the powers which signed it, and which do not also ratify the present convention.

ARTICLE 5

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland

et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent ainsi que des instruments de ratification, sera immédiatement remise par les soins du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 6

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indi-

ARTICLE 6

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the

quant la date à laquelle il a reçu la notification.

ARTICLE 7

La présente Convention produira effet, pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 8

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 9

Un registre tenu par le Ministère des Affaires Étrangères des

date on which it received the notification.

ARTICLE 7

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 8

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 9

A register kept by the Netherland Ministry for Foreign Af-

Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 5 alinéas 3 et 4 ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 6 alinéa 2) ou de dénonciation (article 8 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.

fairs shall give the date of the deposit of ratifications made in virtue of article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 6, paragraph 2) or of denunciation (article 8, paragraph 1) were received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.

ANNEXE À LA CONVENTION

RÈGLEMENT CONCERNANT LES LOIS ET COUTUMES DE LA GUERRE SUR TERRE

SECTION I. — Des Belligérants

Chapitre I. — *De la qualité de belligérant*

Article 1

Les lois, les droits et les devoirs de la guerre ne s'appliquent

ANNEX TO THE CONVENTION

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

SECTION I. — On Belligerents

Chapter I. — *The Qualifications of belligerents*

Article 1

The laws, rights, and duties of war apply not only to armies,

pas seulement à l'armée, mais encore aux milices et aux corps de volontaires réunissant les conditions suivantes:

1°. d'avoir à leur tête une personne responsable pour ses subordonnés;

2°. d'avoir un signe distinctif fixe et reconnaissable à distance;

3°. de porter les armes ouvertement et

4°. de se conformer dans leurs opérations aux lois et coutumes de la guerre.

Dans les pays où les milices ou des corps de volontaires constituent l'armée ou en font partie, ils sont compris sous la dénomination d'*armée*.

but also to militia and volunteer corps fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;

2. To have a fixed distinctive emblem recognizable at a distance;

3. To carry arms openly; and

4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE 2

La population d'un territoire non occupé qui, à l'approche de l'ennemi, prend spontanément les armes pour combattre les troupes d'invasion sans avoir eu le temps de s'organiser conformément à l'article premier, sera considérée comme belligérante si elle porte les armes ouvertement et si elle respecte les lois et coutumes de la guerre.

ARTICLE 2

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with article 1, shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

ARTICLE 3

Les forces armées des parties belligérantes peuvent se composer de combattants et de non-combattants. En cas de capture par

ARTICLE 3

The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture

l'ennemi, les uns et les autres ont droit au traitement des prisonniers de guerre.

CHAPITRE II. — *Des prisonniers de guerre*

ARTICLE 4

Les prisonniers de guerre sont au pouvoir du Gouvernement ennemi, mais non des individus ou des corps qui les ont capturés.

Ils doivent être traités avec humanité.

Tout ce qui leur appartient personnellement, excepté les armes, les chevaux et les papiers militaires, reste leur propriété.

ARTICLE 5

Les prisonniers de guerre peuvent être assujettis à l'internement dans une ville, forteresse, camp ou localité quelconque, avec obligation de ne pas s'en éloigner au delà de certaines limites déterminées; mais ils ne peuvent être enfermés que par mesure de sûreté indispensable, et seulement pendant la durée des circonstances qui nécessitent cette mesure.

ARTICLE 6

L'État peut employer, comme travailleurs, les prisonniers de guerre, selon leur grade et leurs aptitudes, à l'exception des officiers. Ces travaux ne seront pas excessifs et n'auront aucun rapport avec les opérations de la guerre.

by the enemy, both have a right to be treated as prisoners of war.

CHAPTER II. — *Prisoners of War*

ARTICLE 4

Prisoners of war are in the power of the hostile government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ARTICLE 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they can not be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

ARTICLE 6

The state may utilize the labor of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Les prisonniers peuvent être autorisés à travailler pour le compte d'administrations publiques ou de particuliers, ou pour leur propre compte.

Les travaux faits pour l'État sont payés d'après les tarifs en vigueur pour les militaires de l'armée nationale exécutant les mêmes travaux, ou, s'il n'en existe pas, d'après un tarif en rapport avec les travaux exécutés.

Lorsque les travaux ont lieu pour le compte d'autres administrations publiques ou pour des particuliers, les conditions en sont réglées d'accord avec l'autorité militaire.

Le salaire des prisonniers contribuera à adoucir leur position, et le surplus leur sera compté au moment de leur libération, sauf défalcation des frais d'entretien.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the state is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

ARTICLE 7

Le Gouvernement au pouvoir duquel se trouvent les prisonniers de guerre est chargé de leur entretien.

A défaut d'une entente spéciale entre les belligérants, les prisonniers de guerre seront traités pour la nourriture, le couchage et l'habillement, sur le même pied que les troupes du Gouvernement qui les aura capturés.

ARTICLE 7

The government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the government who captured them.

ARTICLE 8

Les prisonniers de guerre seront soumis aux lois, règlements et ordres en vigueur dans l'armée de l'État au pouvoir duquel ils se trouvent. Tout acte d'insubordination autorise, à leur égard, les mesures de rigueur nécessaires.

Les prisonniers évadés, qui seraient repris avant d'avoir pu rejoindre leur armée ou avant de quitter le territoire occupé par l'armée qui les aura capturés, sont passibles de peines disciplinaires.

Les prisonniers qui, après avoir réussi à s'évader, sont de nouveau faits prisonniers, ne sont passibles d'aucune peine pour la fuite antérieure.

ARTICLE 9

Chaque prisonnier de guerre est tenu de déclarer, s'il est interrogé à ce sujet, ses véritables noms et grade et, dans le cas où il enfreindrait cette règle, il s'exposerait à une restriction des avantages accordés aux prisonniers de guerre de sa catégorie.

ARTICLE 10

Les prisonniers de guerre peuvent être mis en liberté sur parole, si les lois de leur pays les y autorisent, et, en pareil cas, ils sont obligés, sous la garantie de leur honneur personnel, de remplir scrupuleusement, tant vis-à-

ARTICLE 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the state in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

ARTICLE 9

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

ARTICLE 10

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honor, scrupulously to fulfill, both towards their own government and the

vis de leur propre Gouvernement que vis-à-vis de celui qui les a faits prisonniers, les engagements qu'ils auraient contractés.

Dans le même cas, leur propre Gouvernement est tenu de n'exiger ni accepter d'eux aucun service contraire à la parole donnée.

ARTICLE 11

Un prisonnier de guerre ne peut être contraint d'accepter sa liberté sur parole; de même le Gouvernement ennemi n'est pas obligé d'accéder à la demande du prisonnier réclamant sa mise en liberté sur parole.

ARTICLE 12

Tout prisonnier de guerre, libéré sur parole et repris portant les armes contre le Gouvernement envers lequel il s'était engagé d'honneur, ou contre les alliés de celui-ci, perd le droit au traitement des prisonniers de guerre et peut être traduit devant les tribunaux.

ARTICLE 13

Les individus qui suivent une armée sans en faire directement partie, tels que les correspondants et les reporters de journaux, les vivandiers, les fournisseurs, qui tombent au pouvoir de l'ennemi et que celui-ci juge utile de détenir, ont droit au traitement des prisonniers de guerre, à condition qu'ils aient reçu de l'autorité militaire de l'armée qu'ils accompagnaient une carte d'identité conforme au modèle joint à la présente convention.

government by whom they were made prisoners, the engagements they have contracted.

In such cases their own government is bound neither to require of nor accept from them any service incompatible with the parole given.

ARTICLE 11

A prisoner of war can not be compelled to accept his liberty on parole; similarly the hostile government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

ARTICLE 12

Prisoners of war liberated on parole and recaptured bearing arms against the government to whom they had pledged their honor, or against the allies of that government, forfeit their right to be treated as prisoners of war, and can be brought before the courts.

ARTICLE 13

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided

dition qu'ils soient munis d'une légitimation de l'autorité militaire de l'armée qu'ils accompagnaient.

ARTICLE 14

Il est constitué, dès le début des hostilités, dans chacun des États belligérants, et, le cas échéant, dans les pays neutres qui auront recueilli des belligérants sur leur territoire, un bureau de renseignements sur les prisonniers de guerre. Ce bureau, chargé de répondre à toutes les demandes qui les concernent, reçoit des divers services compétents toutes les indications relatives aux internements et aux mutations, aux mises en liberté sur parole, aux échanges, aux évasions, aux entrées dans les hôpitaux, aux décès, ainsi que les autres renseignements nécessaires pour établir et tenir à jour une fiche individuelle pour chaque prisonnier de guerre. Le bureau devra porter sur cette fiche le numéro matricule, les nom et prénom, l'âge, le lieu d'origine, le grade, le corps de troupe, les blessures, la date et le lieu de la capture, de l'internement, des blessures et de la mort, ainsi que toutes les observations particulières. La fiche individuelle sera remise au Gouvernement de l'autre belligérant après la conclusion de la paix.

they are in possession of a certificate from the military authorities of the army which they were accompanying.

ARTICLE 14

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent states, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the government of the other belligerent after the conclusion of peace.

Le bureau de renseignements est également chargé de recueillir et de centraliser tous les objets d'un usage personnel, valeurs, lettres etc., qui seront trouvés sur les champs de bataille ou délaissés par des prisonniers libérés sur parole, échangés, évadés ou décédés dans les hôpitaux et ambulances, et de les transmettre aux intéressés.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, etc., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

ARTICLE 15

Les sociétés de secours pour les prisonniers de guerre, régulièrement constituées selon la loi de leur pays et ayant pour objet d'être les intermédiaires de l'action charitable, recevront, de la part des belligérants, pour elles et pour leurs agents dûment accrédités, toute facilité, dans les limites tracées par les nécessités militaires et les règles administratives, pour accomplir efficacement leur tâche d'humanité. Les délégués de ces sociétés pourront être admis à distribuer des secours dans les dépôts d'internement, ainsi qu'aux lieux d'étape des prisonniers rapatriés, moyennant une permission personnelle délivrée par l'autorité militaire, et en prenant l'engagement par écrit de se soumettre à toutes les mesures d'ordre et de police que celle-ci prescrirait.

ARTICLE 15

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort, shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

ARTICLE 16

Les bureaux de renseignements jouissent de la franchise de port. Les lettres, mandats et articles d'argent, ainsi que les colis postaux destinés aux prisonniers de guerre ou expédiés par eux, seront affranchis de toutes les taxes postales, aussi bien dans les pays d'origine et de destination que dans les pays intermédiaires.

Les dons et secours en nature destinés aux prisonniers de guerre seront admis en franchise de tous droits d'entrée et autres, ainsi que des taxes de transport sur les chemins de fer exploités par l'État.

ARTICLE 16

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the state railways.

ARTICLE 17

Les officiers prisonniers recevront la solde à laquelle ont droit les officiers de même grade du pays où ils sont retenus, à charge de remboursement par leur Gouvernement.

ARTICLE 17

Officers taken prisoners shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own government.

ARTICLE 18

Toute latitude est laissée aux prisonniers de guerre pour l'exercice de leur religion, y compris l'assistance aux offices de leur culte, à la seule condition de se conformer aux mesures d'ordre et de police prescrites par l'autorité militaire.

ARTICLE 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

ARTICLE 19

Les testaments des prisonniers de guerre sont reçus ou dressés dans les mêmes conditions que pour les militaires de l'armée nationale.

On suivra également les mêmes règles en ce qui concerne les pièces relatives à la constatation des décès, ainsi que pour l'inhumation des prisonniers de guerre, en tenant compte de leur grade et de leur rang.

ARTICLE 19

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE 20

Après la conclusion de la paix, le rapatriement des prisonniers de guerre s'effectuera dans le plus bref délai possible.

ARTICLE 20

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

CHAPITRE III. — *Des malades et des blessés*

CHAPTER III. — *The Sick and Wounded*

ARTICLE 21

Les obligations des belligérants concernant le service des malades et des blessés sont régies par la Convention de Genève.

ARTICLE 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.

SECTION II. — DES HOSTILITÉS

SECTION II. — HOSTILITIES

CHAPITRE I. — *Des moyens de nuire à l'ennemi, des sièges et des bombardements*

CHAPTER I. — *Means of Injuring the Enemy, Sieges, and Bombardments*

ARTICLE 22

Les belligérants n'ont pas un droit illimité quant au choix des moyens de nuire à l'ennemi.

ARTICLE 22

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE 23

Outre les prohibitions établies par des conventions spéciales, il est notamment interdit :

a. d'employer du poison ou des armes empoisonnées ;

b. de tuer ou de blesser par trahison des individus appartenant à la nation ou à l'armée ennemie ;

c. de tuer ou de blesser un ennemi qui, ayant mis bas les armes ou n'ayant plus les moyens de se défendre, s'est rendu à discrétion ;

d. de déclarer qu'il ne sera pas fait de quartier ;

e. d'employer des armes, des projectiles ou des matières propres à causer des maux superflus ;

f. d'user indûment du pavillon parlementaire, du pavillon national ou des insignes militaires et de l'uniforme de l'ennemi, ainsi que des signes distinctifs de la Convention de Genève ;

g. de détruire ou de saisir des propriétés ennemies, sauf les cas où ces destructions ou ces saisies seraient impérieusement commandées par les nécessités de la guerre ;

h. de déclarer éteints, suspendus ou non recevables en justice, les droits et actions des nationaux de la Partie adverse.

ARTICLE 23

In addition to the prohibitions provided by special conventions, it is especially forbidden —

a. To employ poison or poisoned weapons ;

b. To kill or wound treacherously individuals belonging to the hostile nation or army ;

c. To kill or wound an enemy who, having laid down his arms, or having no longer means of defense, has surrendered at discretion ;

d. To declare that no quarter will be given ;

e. To employ arms, projectiles, or material calculated to cause unnecessary suffering ;

f. To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention ;

g. To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war ;

h. To declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party.

Il est également interdit à un belligérant de forcer les nationaux de la Partie adverse à prendre part aux opérations de guerre dirigées contre leur pays, même dans le cas où ils auraient été à son service avant le commencement de la guerre.

ARTICLE 24

Les ruses de guerre et l'emploi des moyens nécessaires pour se procurer des renseignements sur l'ennemi et sur le terrain sont considérés comme licites.

ARTICLE 25

Il est interdit d'attaquer ou de bombarder, par quelque moyen que ce soit, des villes, villages, habitations ou bâtiments qui ne sont pas défendus.

ARTICLE 26

Le commandant des troupes assaillantes, avant d'entreprendre le bombardement, et sauf le cas d'attaque de vive force, devra faire tout ce qui dépend de lui pour en avertir les autorités.

ARTICLE 27

Dans les sièges et bombardements, toutes les mesures nécessaires doivent être prises pour épargner, autant que possible, les édifices consacrés aux cultes, aux arts, aux sciences et à la bienfaisance, les monuments historiques,

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

ARTICLE 24

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

ARTICLE 25

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

ARTICLE 26

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

ARTICLE 27

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick

les hôpitaux et les lieux de rassemblement de malades et de blessés, à condition qu'ils ne soient pas employés en même temps à un but militaire.

Le devoir des assiégés est de désigner ces édifices ou lieux de rassemblement par des signes visibles spéciaux qui seront notifiés d'avance à l'assiégeant.

and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ARTICLE 28

Il est interdit de livrer au pillage une ville ou localité même prise d'assaut.

ARTICLE 28

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPITRE II.—*Des espions*

ARTICLE 29

Ne peut être considéré comme espion que l'individu qui, agissant clandestinement ou sous de faux prétextes, recueille ou cherche à recueillir des informations dans la zône d'opérations d'un belligérant, avec l'intention de les communiquer à la partie adverse.

Ainsi les militaires non déguisés qui ont pénétré dans la zône d'opérations de l'armée ennemie, à l'effet de recueillir des informations, ne sont pas considérés comme espions. De même, ne sont pas considérés comme espions: les militaires et les non militaires, accomplissant ouvertement leur mission, chargés de

CHAPTER II. — *Spies*

ARTICLE 29

A person can only be considered a spy when, acting clandestinely or on false pretenses, he obtains or endeavors to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of

transmettre des dépêches destinées, soit à leur propre armée, soit à l'armée ennemie. À cette catégorie appartiennent également les individus envoyés en ballon pour transmettre les dépêches, et, en général, pour entretenir les communications entre les diverses parties d'une armée ou d'un territoire.

dispatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying dispatches and, generally, of maintaining communications between the different parts of an army or a territory.

Article 30

L'espion pris sur le fait ne pourra être puni sans jugement préalable.

Article 30

A spy taken in the act shall not be punished without previous trial.

Article 31

L'espion qui, ayant rejoint l'armée à laquelle il appartient, est capturé plus tard par l'ennemi, est traité comme prisonnier de guerre et n'encourt aucune responsabilité pour ses actes d'espionnage antérieurs.

Article 31

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

Chapitre III. — *Des parlementaires*

Article 32

Est considéré comme parlementaire l'individu autorisé par l'un les belligérants à entrer en pourparlers avec l'autre et se présentant avec le drapeau blanc. Il a droit à l'inviolabilité ainsi que le trompette, clairon ou tambour, le porte-drapeau et l'interprète qui l'accompagneraient.

Chapter III. — *Flags of Truce*

Article 32

A person is regarded as bearing a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

ARTICLE 33

Le chef auquel un parlementaire est expédié n'est pas obligé de le recevoir en toutes circonstances.

Il peut prendre toutes les mesures nécessaires afin d'empêcher le parlementaire de profiter de sa mission pour se renseigner.

Il a le droit, en cas d'abus, de retenir temporairement le parlementaire.

ARTICLE 34

Le parlementaire perd ses droits d'inviolabilité, s'il est prouve, d'une manière positive et irrécusable, qu'il a profité de sa position privilégiée pour provoquer ou commettre un acte de trahison.

CHAPITRE IV. — *Des capitulations*

ARTICLE 35

Les capitulations arrêtées entre les parties contractantes doivent tenir compte des règles de l'honneur militaire.

Une fois fixées, elles doivent être scrupuleusement observées par les deux parties.

CHAPITRE V. — *De l'armistice*

ARTICLE 36

L'armistice suspend les opérations de guerre par un accord mutuel des parties belligérantes. Si la durée n'en est pas déterminée, les parties belligérantes

ARTICLE 33

The commander to whom a flag of truce is sent is not in all cases obliged to receive it.

He may take all the necessary steps to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE 34

The envoy loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV. — *Capitulations*

ARTICLE 35

Capitulations agreed upon between the contracting parties must take into account the rules of military honor.

Once settled, they must be scrupulously observed by both parties.

CHAPTER V. — *Armistices*

ARTICLE 36

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties

peuvent reprendre en tout temps les opérations, pourvu toutefois que l'ennemi soit averti en temps convenu, conformément aux conditions de l'armistice.

ARTICLE 37

L'armistice peut être général ou local. Le premier suspend partout les opérations de guerre des États belligérants; le second, seulement entre certaines fractions des armées belligérantes et dans un rayon déterminé.

ARTICLE 38

L'armistice doit être notifié officiellement et en temps utile aux autorités compétentes et aux troupes. Les hostilités sont suspendues immédiatement après la notification ou au terme fixé.

ARTICLE 39

Il dépend des parties contractantes de fixer, dans les clauses de l'armistice, les rapports qui pourraient avoir lieu, sur le théâtre de la guerre, avec les populations et entre elles.

ARTICLE 40

Toute violation grave de l'armistice, par l'une des parties, donne à l'autre le droit de le dénoncer et même, en cas d'urgence, de reprendre immédiatement les hostilités.

may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE 37

An armistice may be general or local. The first suspends the military operations of the belligerent states everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

ARTICLE 38

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

ARTICLE 39

It rests with the contracting parties to settle, in the terms of the armistice, what communications may be held in the theater of war with the inhabitants and between the inhabitants of one belligerent state and those of the other.

ARTICLE 40

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

ARTICLE 41

La violation des clauses de l'armistice, par des particuliers agissant de leur propre initiative, donne droit seulement à réclamer la punition des coupables et, s'il y a lieu, une indemnité pour les pertes éprouvées.

ARTICLE 41

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

SECTION III. — DE L'AUTORITÉ MILITAIRE SUR LE TERRITOIRE DE L'ÉTAT ENNEMI

ARTICLE 42

Un territoire est considéré comme occupé lorsqu'il se trouve placé de fait sous l'autorité de l'armée ennemie.

L'occupation ne s'étend qu'aux territoires où cette autorité est établie et en mesure de s'exercer.

SECTION III. — MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE

ARTICLE 42

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

ARTICLE 43

L'autorité du pouvoir légal ayant passé de fait entre les mains de l'occupant, celui-ci prendra toutes les mesures qui dépendent de lui en vue de rétablir et d'assurer, autant qu'il est possible, l'ordre et la vie publics en respectant, sauf empêchement absolu, les lois en vigueur dans le pays.

ARTICLE 43

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and insure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE 44

Il est interdit à un belligérant de forcer la population d'un territoire occupé à donner des ren-

ARTICLE 44

A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish infor-

seignements sur l'armée de l'autre belligérant ou sur ses moyens de défense.

ARTICLE 45

Il est interdit de contraindre la population d'un territoire occupé à prêter serment à la Puissance ennemie.

ARTICLE 46

L'honneur et les droits de la famille, la vie des individus et la propriété privée, ainsi que les convictions religieuses et l'exercice des cultes, doivent être respectés.

La propriété privée ne peut pas être confisquée.

ARTICLE 47

Le pillage est formellement interdit.

ARTICLE 48

Si l'occupant prélève, dans le territoire occupé, les impôts, droits et péages établis au profit de l'État, il le fera, autant que possible, d'après les règles de l'assiette et de la répartition en vigueur, et il en résultera pour lui l'obligation de pourvoir aux frais de l'administration du territoire occupé dans la mesure où le Gouvernement légal y était tenu.

ARTICLE 49

Si, en dehors des impôts visés

mation about the army of the other belligerent, or about its means of defense.

ARTICLE 45

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile power.

ARTICLE 46

Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.

Private property can not be confiscated.

ARTICLE 47

Pillage is formally forbidden.

ARTICLE 48

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the state, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate government was so bound.

ARTICLE 49

If, in addition to the taxes

à l'article précédent, l'occupant prélève d'autres contributions en argent dans le territoire occupé, ce ne pourra être que pour les besoins de l'armée ou de l'administration de ce territoire.

ARTICLE 50

Aucune peine collective, pécuniaire ou autre, ne pourra être édictée contre les populations à raison de faits individuels dont elles ne pourraient être considérées comme solidairement responsables.

ARTICLE 51

Aucune contribution ne sera perçue qu'en vertu d'un ordre écrit et sous la responsabilité d'un général en chef.

Il ne sera procédé, autant que possible, à cette perception que d'après les règles de l'assiette et de la répartition des impôts en vigueur.

Pour toute contribution, un reçu sera délivré aux contribuables.

ARTICLE 52

Des réquisitions en nature et des services ne pourront être réclamés des communes ou des habitants, que pour les besoins de l'armée d'occupation. Ils seront en rapport avec les ressources du pays et de telle nature qu'ils n'impliquent pas pour les populations l'obligation de prendre part aux opérations de la guerre contre leur patrie.

mentioned in the above article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

ARTICLE 50

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they can not be regarded as jointly and severally responsible.

ARTICLE 51

No contribution shall be collected except under a written order, and on the responsibility of a commander-in-chief.

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

ARTICLE 52

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of

dre part aux opérations de la guerre contre leur patrie.

Ces réquisitions et ces services ne seront réclamés qu'avec l'autorisation du commandant dans la localité occupée.

Les prestations en nature seront, autant que possible, payées au comptant; sinon, elles seront constatées par des reçus, et le paiement des sommes dues sera effectué le plus tôt possible.

ARTICLE 53

L'armée qui occupe un territoire ne pourra saisir que le numéraire, les fonds et les valeurs exigibles appartenant en propre à l'État, les dépôts d'armes, moyens de transport, magasins et approvisionnements et, en général, toute propriété mobilière de l'État de nature à servir aux opérations de la guerre.

Tous les moyens affectés sur terre, sur mer et dans les airs à la transmission des nouvelles, au transport des personnes ou des choses, en dehors des cas régis par le droit maritime, les dépôts d'armes et, en général, toute espèce de munitions de guerre, peuvent être saisis, même s'ils appartiennent à des personnes privées, mais devront être restitués et les indemnités seront réglées à la paix.

ARTICLE 54

Les câbles sous-marins reliant

taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

ARTICLE 53

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the state, depots of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the state which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

ARTICLE 54

Submarine cables connecting

un territoire occupé à un territoire neutre ne seront saisis ou détruits que dans le cas d'une nécessité absolue. Ils devront également être restitués et les indemnités seront réglées à la paix.

an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

ARTICLE 55

L'État occupant ne se considérera que comme administrateur et usufruitier des édifices publics, immeubles, forêts et exploitations agricoles appartenant à l'État ennemi et se trouvant dans le pays occupé. Il devra sauvegarder le fonds de ces propriétés et les administrer conformément aux règles de l'usufruit.

ARTICLE 55

The occupying state shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile state, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

ARTICLE 56

Les biens des communes, ceux des établissements consacrés aux cultes, à la charité et à l'instruction, aux arts et aux sciences, même appartenant à l'État, seront traités comme la propriété privée.

Toute saisie, destruction ou dégradation intentionnelle de semblables établissements, de monuments historiques, d'œuvres d'art et de science, est interdite et doit être poursuivie.[1]

ARTICLE 56

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when state property, shall be treated as private property.

All seizure of, destruction or willful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.[1]

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention respecting the laws and customs of war on land, signed October 18, 1907. — EDITOR.

CONVENTION CONCERNANT LES DROITS ET LES DEVOIRS DES PUISSANCES ET DES PERSONNES NEUTRES EN CAS DE GUERRE SUR TERRE

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

En vue de mieux préciser les droits et les devoirs des Puissances neutres en cas de guerre sur terre et de régler la situation des belligérants réfugiés en territoire neutre;

Désirant également définir la qualité de neutre en attendant qu'il soit possible de régler dans son ensemble la situation des particuliers neutres dans leurs rapports avec les belligérants;

Ont résolu de conclure une Convention à cet effet et ont, en conséquence, nommé pour Leurs Plénipotentiaires savoir.

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des dispositions suivantes:

CONVENTION RESPECTING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR ON LAND

His Majesty the German Emperor, King of Prussia; etc.:

With a view to laying down more clearly the rights and duties of neutral powers in case of war on land and regulating the position of the belligerents who have taken refuge in neutral territory;

Being likewise desirous of defining the meaning of the term "neutral," pending the possibility of settling, in its entirety, the position of neutral individuals in their relations with the belligerents;

Have resolved to conclude a convention to this effect, and have, in consequence, appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

CHAPITRE I. — *Des droits et des devoirs des Puissances neutres*

ARTICLE 1

Le territoire des Puissances neutres est inviolable.

ARTICLE 2

Il est interdit aux belligérants de faire passer à travers le territoire d'une Puissance neutre des troupes ou des convois, soit de munitions, soit d'approvisionnements.

ARTICLE 3

Il est également interdit aux belligérants:

a. d'installer sur le territoire d'une Puissance neutre une station radio-télégraphique ou tout appareil destiné à servir comme moyen de communication avec des forces belligérantes sur terre ou sur mer;

b. d'utiliser toute installation de ce genre établie par eux avant la guerre sur le territoire de la Puissance neutre dans un but exclusivement militaire, et qui n'a, pas été ouverte au service de la correspondance publique.

ARTICLE 4

Des corps de combattants ne peuvent être formés, ni des bureaux d'enrôlement ouverts, sur le territoire d'une Puissance neutre au profit des belligérants.

CHAPTER I. — *The Rights and Duties of Neutral Powers*

ARTICLE 1

The territory of neutral powers is inviolable.

ARTICLE 2

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral power.

ARTICLE 3

Belligerents are likewise forbidden to:

a. Erect on the territory of a neutral power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea;

b. Use any installation of this kind established by them before the war on the territory of a neutral power for purely military purposes, and which has not been opened for the service of public messages.

ARTICLE 4

Corps of combatants can not be formed nor recruiting agencies opened on the territory of a neutral power to assist the belligerents.

ARTICLE 5

Une Puissance neutre ne doit tolérer sur son territoire aucun des actes visés par les articles 2 à 4.

Elle n'est tenue de punir des actes contraires à la neutralité que si ces actes ont été commis sur son propre territoire.

ARTICLE 6

La responsabilité d'une Puissance neutre n'est pas engagée par le fait que des individus passent isolément la frontière pour se mettre au service de l'un des belligérants.

ARTICLE 7

Une Puissance neutre n'est pas tenue d'empêcher l'exportation ou le transit, pour le compte de l'un ou de l'autre des belligérants, d'armes, de munitions, et, en général, de tout ce qui peut être utile à une armée ou à une flotte.

ARTICLE 8

Une Puissance neutre n'est pas tenue d'interdire ou de restreindre l'usage, pour les belligérants, des câbles télégraphiques ou téléphoniques, ainsi que des appareils de télégraphie san fil, qui sont, soit sa propriété, soit celle de compagnies ou de particuliers.

ARTICLE 9

Toutes mesures restrictive ou prohibitives prises par une Puis-

ARTICLE 5

A neutral power must not allow any of the acts referred to in articles 2 to 4 to occur on its territory.

It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

ARTICLE 6

The responsibility of a neutral power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents.

ARTICLE 7

A neutral power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

ARTICLE 8

A neutral power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to companies or private individuals.

ARTICLE 9

Every measure of restriction or prohibition taken by a neutral

sance neutre à l'égard des matières visées par les articles 7 et 8 devront être uniformément appliquées par elle aux belligérants.

La Puissance neutre veillera au respect de la même obligation par les compagnies ou particuliers propriétaires de câbles télégraphiques ou téléphoniques ou d'appareils de télégraphie sans fil.

power in regard to the matters referred to in articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

ARTICLE 10

Ne peut être considéré comme un acte hostile le fait, par une Puissance neutre, de repousser, même par la force, les atteintes à sa neutralité.

ARTICLE 10

The fact of a neutral power resisting, even by force, attempts to violate its neutrality can not be regarded as a hostile act.

CHAPITRE II. — *Des belligérants internés et des blessés soignés chez les neutres*

CHAPTER II. — *Belligerents Interned and Wounded tended in Neutral Territory*

ARTICLE 11

La Puissance neutre qui reçoit sur son territoire des troupes appartenant aux armées belligérantes, les internera, autant que possible, loin du théâtre de la guerre.

Elle pourra les garder dans des camps, et même les enfermer dans des forteresses ou dans des lieux appropriés à cet effet.

Ella décidera si les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

ARTICLE 11

A neutral power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

ARTICLE 12

A défaut de convention spéciale, la Puissance neutre fournira aux internés les vivres, les habillements et les secours commandés par l'humanité.

Bonification sera faite, à la paix, des frais occasionnés par l'internement.

ARTICLE 12

In the absence of a special convention to the contrary, the neutral power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

ARTICLE 13

La Puissance neutre qui reçoit des prisonniers de guerre évadés les laissera en liberté. Si elle tolère leur séjour sur son territoire, elle peut leur assigner une résidence.

La même disposition est applicable aux prisonniers de guerre amenés par des troupes se réfugiant sur le territoire de la Puissance neutre.

ARTICLE 13

A neutral power which receives escaped prisoners of war sh ll leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral power.

ARTICLE 14

Une Puissance neutre pourra autoriser le passage sur son territoire des blessés ou malades appartenant aux armées belligérantes, sous la réserve que les trains qui les amèneront ne transporteront ni personnel, ni matériel de guerre. En pareil cas, la Puissance neutre est tenue de prendre les mesures de sûreté et de contrôle nécessaires à cet effet.

Les blessés ou malades amenés dans ces conditions sur le territoire neutre par un des belligé-

ARTICLE 14

A neutral power may authorize the passage into its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel or war material. In such a case, the neutral power is bound to take whatever measures of safety and control are necessary for the purpose.

The sick or wounded brought under these conditions into neutral territory by one of the bel-

rants, et qui appartiendraient à la partie adverse, devront être gardés par la Puissance neutre de manière qu'ils ne puissent de nouveau prendre part aux opérations de la guerre. Cette Puissance aura les mêmes devoirs quant aux blessés ou malades de l'autre armée qui lui seraient confiés.

ARTICLE 15

La Convention de Genève s'applique aux malades et aux blessés internés sur territoire neutre.

ligerents, and belonging to the hostile party, must be guarded by the neutral power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral state with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE 15

The Geneva Convention applies to sick and wounded interned in neutral territory.

CHAPITRE III. — *Des personnes neutres*

ARTICLE 16

Sont considérés comme neutres les nationaux d'un État qui ne prend pas part à la guerre.

CHAPTER III. — *Neutral Persons*

ARTICLE 16

The nationals of a state which is not taking part in the war are considered as neutrals.

ARTICLE 17

Un neutre ne peut pas se prévaloir de sa neutralité:

a. s'il commet des actes hostiles contre un belligérant;

b. s'il commet des actes en faveur d'un belligérant, notamment s'il prend volontairement du service dans les rangs de la force armée de l'une des Parties.

En pareil cas, le neutre ne sera pas traité plus rigoureusement par le belligérant contre lequel il s'est départi de la neutralité que ne pourrait l'être, à raison du même fait, un national de l'autre État belligérant.

ARTICLE 17

A neutral can not avail himself of his neutrality:

a. If he commits hostile acts against a belligerent;

b. If he commits acts in favor of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent state could be for the same act.

ARTICLE 18

Ne seront pas considérés comme actes commis en faveur d'un des belligérants, dans le sens de l'article 17, lettre *b*:

a. les fournitures faites ou les emprunts consentis à l'un des belligérants, pourvu que le fournisseur ou le prêteur n'habite ni le territoire de l'autre Partie, ni le territoire occupé par elle, et que les fournitures ne proviennent pas de ces territoires;

b. les services rendus en matière de police ou d'administration civile.

ARTICLE 18

The following acts shall not be considered as committed in favor of one belligerent in the sense of article 17, letter *b*:

a. Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;

b. Services rendered in matters of police or civil administration.

CHAPITRE IV. — *Du matériel des chemins de fer*

ARTICLE 19

Le matériel des chemins de fer provenant du territoire de Puissances neutres, qu'il appartienne à ces Puissances ou à des sociétés ou personnes privées, et reconnaissable comme tel, ne pourra être réquisitionné et utilisé par un belligérant que dans le cas et la mesure où l'exige une impérieuse nécessité. Il sera renvoyé aussitôt que possible dans le pays d'origine.

La Puissance neutre pourra de même, en cas de nécessité, retenir et utiliser, jusqu'à due concurrence, le matériel provenant du territoire de la Puissance belligérante.

CHAPTER IV. — *Railway Material*

ARTICLE 19

Railway material coming from the territory of neutral powers, whether it be the property of the said powers or of companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

A neutral power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent power.

Une indemnité sera payée de part et d'autre, en proportion du matériel utilisé et de la durée de l'utilisation.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

CHAPITRE V. — *Dispositions finales*

ARTICLE 20

Les disposition de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

ARTICLE 21

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification sera immédiatement remise par les soins

CHAPTER V. — *Final Provisions*

ARTICLE 20

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 21

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification shall be immediately sent by

du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 22

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 23

La présente Convention produira effet, pour les Puissances qui auront participe au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ulté-

the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 22

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 23

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers

rieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 24

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances, en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an aprés que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 25

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt des ratifications effectué en vertu de l'article 21 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 22 alinéa 2) ou de dénonciation (article 24 alinéa 1).

Chaque Puissance contractante est admise à prendre connais-

which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 24

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 25

A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of article 21, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 22, paragraph 2) or of denunciation (article 24, paragraph 1) have been received.

Each contracting power is entitled to have access to this regis-

sance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.[1]

ter and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

CONVENTION RELATIVE AU RÉGIME DES NAVIRES DE COMMERCE ENNEMIS AU DÉBUT DES HOSTILITÉS

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Désireux de garantir la sécurité du commerce international contre les surprises de la guerre et voulant, conformément à la pratique moderne, protéger autant que possible les opérations engagées de bonne foi et en cours d'exécution avant le début des hostilités;

Ont résolu de conclure une Convention à cet effet et ont

CONVENTION RELATIVE TO THE STATUS OF ENEMY MERCHANT SHIPS AT THE OUTBREAK OF HOSTILITIES

His Majesty the German Emperor, King of Prussia; etc.:

Anxious to ensure the security of international commerce against the surprises of war, and wishing, in accordance with modern practice, to protect as far as possible operations undertaken in good faith and in process of being carried out before the outbreak of hostilities,

Have resolved to conclude a convention to this effect, and

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention respecting the rights and duties of neutral powers and persons in case of war on land, signed October 18, 1907. — EDITOR.

nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs trouves en bonne et due forme, sont convenus des dispositions suivantes:

ARTICLE 1

Lorsqu'un navire de commerce relevant d'une des Puissances belligérantes se trouve, au début des hostilités, dans un port ennemi, il est désirable qu'il lui soit permis de sortir librement, immédiatement ou après un délai de faveur suffisant, et de gagner directement, après avoir été muni d'un laissez-passer, son port de destination ou tel autre port qui lui sera désigné.

Il en est de même du navire ayant quitté son dernier port de départ avant le commencement de la guerre et entrant dans un port ennemi sans connaître les hostilités.

ARTICLE 2

Le navire de commerce qui, par suite de circonstances de force majeure, n'aurait pu quitter le port ennemi pendant le délai visé à l'article précédent, ou auquel la sortie n'aurait pas été accordée, ne peut être confisqué.

have appointed the following persons as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

When a merchant ship belonging to one of the belligerent powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately, or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated.

The same rule should apply in the case of a ship which has left its last port of departure before the commencement of the war and entered a port belonging to the enemy while still ignorant that hostilities had broken out.

ARTICLE 2

A merchant ship unable, owing to circumstances of *force majeure*, to leave the enemy port within the period contemplated in the above article, or which was not allowed to leave, can not be confiscated.

Le belligérant peut seulement le saisir moyennant l'obligation de le restituer après la guerre sans indemnité, ou le réquisitionner moyennant indemnité.

The belligerent may only detain it, without payment of compensation, but subject to the obligation of restoring it after the war, or requisition it on payment of compensation.

ARTICLE 3

Les navires de commerce ennemis, qui ont quitté leur dernier port de départ avant le commencement de la guerre et qui sont rencontrés en mer ignorants des hostilités, ne peuvent être confisqués. Ils sont seulement sujets à être saisis, moyennant l'obligation de les restituer après la guerre sans indemnité, ou à être réquisitionnés, ou même à être détruits, à charge d'indemnité et sous l'obligation de pourvoir à la sécurité des personnes ainsi qu'à la conservation des papiers de bord.

Après avoir touché à un port de leur pays ou à un port neutre, ces navires sont soumis aux lois et coutumes de la guerre maritime.

ARTICLE 3

Enemy merchant ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities can not be confiscated. They are only liable to detention on the understanding that they shall be restored after the war without compensation, or to be requisitioned, or even destroyed, on payment of compensation, but in such case provision must be made for the safety of the persons on board as well as the security of the ship's papers.

After touching at a port in their own country or at a neutral port, these ships are subject to the laws and customs of maritime war.

ARTICLE 4

Les marchandises ennemies se trouvant à bord des navires visés aux articles 1 et 2 sont également sujettes à être saises et restituées après la guerre sans indemnité, ou à être réquisitionnées moyennant indemnité,

ARTICLE 4

Enemy cargo on board the vessels referred to in articles 1 and 2 is likewise liable to be detained and restored after the termination of the war without payment of compensation, or to be requisitioned on payment of com-

conjointement avec le navire ou séparément.

Il en est de même des marchandises se trouvant à bord des navires visés à l'article 3.

ARTICLE 5

La présente Convention ne vise pas les navires de commerce dont la construction indique qu'ils sont destinés à être transformés en bâtiments de guerre.

ARTICLE 6

Les dispositions de la présenté Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

ARTICLE 7

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du

pensation, with or without the ship.

The same rule applies in the case of cargo on board the vessels referred to in article 3.

ARTICLE 5

The present convention does not affect merchant ships whose build shows that they are intended for conversion into war ships.

ARTICLE 6

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 7

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the

procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratifications, sera immédiatement remise par les soins du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu' aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 8

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 9

La présente Convention produira effet, pour les Puissances

procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 8

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE 9

The present convention shall come into force, in the case of the

qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 10

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 11

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 7 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhesion (article 8 alinéa 2)

powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 10

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 11

A register kept by the Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of article 7, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 8, paragraph 2) or of denunciation

ou de dénonciation (article 10 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiée conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.[1]

(article 10, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with certified extracts from it.

In faith whereof the plenipotentiaries have appended to the present convention their signatures.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

CONVENTION RELATIVE À LA TRANSFORMATION DES NAVIRES DE COMMERCE EN BÂTIMENTS DE GUERRE

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Considérant qu'en vue de l'incorporation en temps de guerre de navires de la marine marchande dans les flottes de combat, il est désirable de définir les conditions dans lesquelles cette opération pourra être effectuée;

Que, toutefois, les Puissances

CONVENTION RELATIVE TO THE CONVERSION OF MERCHANT SHIPS INTO WAR SHIPS

His Majesty the German Emperor, King of Prussia; etc.:

Whereas it is desirable, in view of the incorporation in time of war of merchant ships in the fighting fleet, to define the conditions subject to which this operation may be effected;

Whereas, however, the con-

[1] The convention relative to the status of the enemy merchant ships at the outbreak of hostilities was not signed by the American delegation, nor was it submitted to the Senate of the United States for its ratification. — EDITOR.

contractantes n'ayant pu se mettre d'accord sur la question de savoir si la transformation d'un navire de commerce en bâtiment de guerre peut avoir lieu en pleine mer, il est entendu que la question du lieu de transformation reste hors de cause et n'est nullement visée par les règles ci-dessous;

Désirant conclure une Convention à cet effet, ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

ARTICLE 1

Aucun navire de commerce transformé en bâtiment de guerre ne peut avoir les droits et les obligations attachés à cette qualité, s'il n'est placé sous l'autorité directe, le contrôle immédiat et la responsabilité de la Puissance dont il porte le pavillon.

ARTICLE 2

Les navires de commerce transformés en bâtiments de guerre doivent porter les signes extérieurs distinctifs des bâtiments de guerre de leur nationalité.

tracting powers have been unable to come to an agreement on the question whether the conversion of a merchant ship into a war ship may take place upon the high seas, it is understood that the question of the place where such conversion is effected remains outside the scope of this agreement and is in no way affected by the following rules;

Being desirous of concluding a convention to this effect, have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

A merchant ship converted into a war ship can not have the rights and duties accruing to such vessels unless it is placed under the direct authority, immediate control, and responsibility of the power whose flag it flies.

ARTICLE 2

Merchant ships converted into war ships must bear the external marks which distinguish the war ships of their nationality.

ARTICLE 3

Le commandant doit être au service de l'État et dûment commissionné par les autorités compétentes. Son nom doit figurer sur la liste des officiers de la flotte militaire.

ARTICLE 4

L'équipage doit être soumis aux règles de la discipline militaire.

ARTICLE 5

Tout navire de commerce transformé en bâtiment de guerre est tenu d'observer dans ses opérations, les lois et coutumes de la guerre.

ARTICLE 6

Le belligérant, qui transforme un navire de commerce en bâtiment de guerre, doit, le plus tôt possible, mentionner cette transformation sur la liste des bâtiments de sa flotte militaire.

ARTICLE 7

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

ARTICLE 8

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

ARTICLE 3

The commander must be in the service of the state and duly commissioned by the competent authorities. His name must figure on the list of the officers of the fighting fleet.

ARTICLE 4

The crew must be subject to military discipline.

ARTICLE 5

Every merchant ship converted into a war ship must observe in its operations the laws and customs of war.

ARTICLE 6

A belligerent who converts a merchant ship into a war ship must, as soon as possible, announce such conversion in the list of war ships.

ARTICLE 7

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 8

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagneé de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise, par les soins du Gouvernement des Pays-Bas, et par la voie diplomatique, aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers who take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE 9

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son inten-

ARTICLE 9

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere notifies its intention in

tion au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE 10

La présente Convention produira effet, pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt, et pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 10

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 11

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

ARTICLE 11

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers, informing them of the date on which it was received.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 12

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 8 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 9 alinéa 2) ou de dénonciation (article 11 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plenipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas, et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.[1]

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 12

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 9, paragraph 2) or of denunciation (article 11, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

[1] The convention relative to the conversion of merchant ships into war ships was not signed by the American delegation, nor was it submitted to the Senate of the United States for its ratification. — EDITOR.

CONVENTION RELATIVE À LA POSE DE MINES SOUS-MARINES AUTOMATIQUES DE CONTACT

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

S'inspirant du principe de la liberté des voies maritimes, ouvertes à toutes les nations;

Considérant que, si dans l'état actuel des choses, on ne peut interdire l'emploi de mines sous-marines automatiques de contact, il importe d'en limiter et réglementer l'usage, afin de restreindre les rigueurs de la guerre et de donner, autant que faire se peut, à la navigation pacifique la sécurité à laquelle elle a droit de prétendre, malgré l'existence d'une guerre;

En attendant qu'il soit possible de régler la matière d'une façon qui donne aux intérêts engagés toutes les garanties désirables;

Ont résolu de conclure une Convention à cet effet et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs trovés en bonne et due forme, sont convenus des dispositions suivantes:

CONVENTION RELATIVE TO THE LAYING OF AUTOMATIC SUBMARINE CONTACT MINES

His Majesty the German Emperor, King of Prussia; etc.:

Inspired by the principle of the freedom of sea routes, the common highways of all nations;

Seeing that, although the existing position of affairs makes it impossible to forbid the employment of automatic submarine contact mines, it is nevertheless desirable to restrict and regulate their employment in order to mitigate the severity of war and to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war;

Until such time as it is found possible to formulate rules on the subject which shall ensure to the interests involved all the guarantees desirable;

Have resolved to conclude a convention for this purpose, and have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

Il est interdit:

1°. de placer des mines automatiques de contact non amarrées, à moins qu'elles ne soient construites de manière à devenir inoffensives une heure au maximum après que celui qui les a placées en aura perdu le contrôle;

2°. de placer des mines automatiques de contact amarrées, qui ne deviennent pas inoffensives dès qu'elles auront rompu leurs amarres;

3°. d'employer des torpilles, qui ne deviennent pas inoffensives lorsqu'elles auront manqué leur but.

ARTICLE 2

Il est interdit de placer des mines automatiques de contact devant les côtes et les ports de l'adversaire, dans le seul but d'intercepter la navigation de commerce.

ARTICLE 3

Lorsque les mines automatiques de contact amarrées sont employées, toutes les précautions possibles doivent être prises pour la sécurité de la navigation pacifique.

Les belligérants s'engagent à pourvoir, dans la mesure du possible, à ce que ces mines deviennent inoffensives après un laps de temps limité, et, dans le cas où elles cesseraient d'être

ARTICLE 1

It is forbidden:

1. To lay unanchored automatic contact mines, except when they are so constructed as to become harmless one hour at most after the person who laid them ceases to control them;

2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings;

3. To use torpedoes which do not become harmless when they have missed their mark.

ARTICLE 2

It is forbidden to lay automatic contact mines off the coast and ports of the enemy, with the sole object of intercepting commercial shipping.

ARTICLE 3

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

The belligerents undertake to do their utmost to render these mines harmless within a limited time, and, should they cease to be under surveillance, to notify the danger zones as soon

surveillées, à signaler les régions dangereuses, aussitôt que les exigences militaires le permettront, par un avis à la navigation, qui devra être aussi communiqué aux Gouvernements par la voie diplomatique.

ARTICLE 4

Toute Puissance neutre qui place des mines automatiques de contact devant ses côtes, doit observer les mêmes règles et prendre les mêmes précautions que celles qui sont imposées aux belligérants.

La Puissance neutre doit faire connaître à la navigation, par un avis préalable, les régions où seront mouillées des mines automatiques de contact. Cet avis devra être communiqué d'urgence aux Gouvernements par voie diplomatique.

ARTICLE 5

A la fin de la guerre, les Puissances contractantes s'engagent à faire tout ce qui dépend d'elles pour enlever, chacune de son côte, les mines qu'elles ont placées.

Quant aux mines automatiques de contact amarrées, que l'un des belligérants aurait posées le long des côtes de l'autre, l'emplacement en sera notifié à l'autre partie par la Puissance qui les a posées et chaque Puissance devra procéder dans le

as military exigencies permit, by a notice addressed to shipowners, which must also be communicated to the governments through the diplomatic channel.

ARTICLE 4

Neutral powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The neutral power must inform shipowners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the governments through the diplomatic channel.

ARTICLE 5

At the close of the war, the contracting powers undertake to do their utmost to remove the mines which they had laid, each power removing its own mines.

As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the power which laid them, and each power must proceed with the least possible delay to

plus bref délai à l'enlèvement des mines qui se trouvent dans ses eaux.

ARTICLE 6

Les Puissances contractantes, qui ne disposent pas encore de mines perfectionnées telles qu'elles sont prévues dans la présente Convention, et qui, par conséquent, ne sauraient actuellement se conformer aux règles établies dans les articles 1 et 3, s'engagent à transformer, aussitôt que possible, leur matériel de mines, afin qu'il réponde aux prescriptions susmentionnées.

ARTICLE 7

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

ARTICLE 8

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signe par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen

remove the mines in its own waters.

ARTICLE 6

The contracting powers which do not at present own perfected mines of the pattern contemplated in the present convention, and which, consequently, could not at present carry out the rules laid down in articles 1 and 3, undertake to convert the *matériel* of their mines as soon as possible, so as to bring it into conformity with the foregoing requirements.

ARTICLE 7

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 8

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by

d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise, par les soins du Gouvernement des Pays-Bas et par la voie diplomatique, aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 9

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que

means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent, by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it has received the notification.

ARTICLE 9

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere notifies in writing its intention to the Netherland Government, transmitting to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of ad-

de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 10

La présente Convention produira effet pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt, et pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 11

La présente Convention aura une durée de sept ans à partir du soixantième jour après la date du premier dépôt de ratifications.

Sauf dénonciation, elle continuera d'être en vigueur après l'expiration de ce délai.

La dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les Puissances, en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et six

hesion, stating the date on which it received the notification.

ARTICLE 10

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers which ratify subsequently or adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 11

The present convention shall remain in force for seven years, dating from the sixtieth day after the date of the first deposit of ratifications.

Unless denounced, it shall continue in force after the expiration of this period.

The denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and six months after

mois après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 12

Les Puissances contractantes s'engagent à reprendre la question de l'emploi des mines automatiques de contact six mois avant l'expiration du terme prévu par l'alinéa premier de l'article précédent, au cas où elle n'aurait pas été reprise et résolue à une date antérieure par la troisième Conférence de la Paix.

Si les Puissances contractantes concluent une nouvelle Convention relative à l'emploi des mines, dès son entrée en vigueur, la présente Convention cessera d'être applicable.

ARTICLE 13

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 8 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 9 alinéa 2) ou de dénonciation (article 11 alinéa 3).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipoten-

the notification has reached the Netherland Government.

ARTICLE 12

The contracting powers undertake to reopen the question of the employment of automatic contact mines six months before the expiration of the period contemplated in the first paragraph of the preceding article, in the event of the question not having been already reopened and settled by the Third Peace Conference.

If the contracting powers conclude a fresh convention relative to the employment of mines, the present convention shall cease to be applicable from the moment it comes into force.

ARTICLE 13

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of article 8, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 9, paragraph 2) or of denunciation (article 11, paragraph 3) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipo-

tiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.[1]

tentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

CONVENTION CONCERNANT LE BOMBARDEMENT PAR DES FORCES NAVALES EN TEMPS DE GUERRE

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Animés du désir de réaliser le vœu exprimé par la Première Conférence de la Paix, concernant le bombardement, par des forces navales, de ports, villes et villages, non défendus;

Considérant qu'il importe de soumettre les bombardements par des forces navales à des dispositions générales qui garantissent les droits des habitants et assurent la conservation des principaux édifices, en étendant à cette opération de guerre, dans la mesure du possible, les prin-

CONVENTION RESPECTING BOMBARDMENT BY NAVAL FORCES IN TIME OF WAR

His Majesty the German Emperor, King of Prussia; etc.:

Animated by the desire to realize the wish expressed by the First Peace Conference respecting the bombardment by naval forces of undefended ports, towns, and villages;

Whereas it is expedient that bombardments by naval forces should be subject to rules of general application which would safeguard the rights of the inhabitants and assure the preservation of the more important buildings, by applying as far as possible to this operation of war

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention relative to the laying of automatic submarine contact mines, signed October 18, 1907. — EDITOR.

cipes du Règlement de 1899 sur les lois et coutumes de la guerre sur terre;

S'inspirant ainsi du désir de servir les intérêts de l'humanité et de diminuer les rigueurs et les désastres de la guerre;

Ont résolu de conclure une Convention à cet effet et ont, en conséquence, nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

CHAPITRE I. — *Du bombardement des ports, villes, villages, habitations ou bâtiments non défendus*

ARTICLE 1

Il est interdit de bombarder, par des forces navales, des ports, villes, villages, habitations ou bâtiments, qui ne sont pas défendus.

Une localité ne peut pas être bombardée à raison du seul fait que, devant son port, se trouvent mouillées des mines sous-marines automatiques de contact.

ARTICLE 2

Toutefois, ne sont pas compris dans cette interdiction les ouvrages militaires, établissements

the principles of the regulation of 1899 respecting the laws and customs of land war;

Actuated, accordingly, by the desire to serve the interests of humanity and to diminish the severity and disasters of war;

Have resolved to conclude a convention to this effect, and have, for this purpose, appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I. — *The Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings*

ARTICLE 1

The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.

A place can not be bombarded solely because automatic submarine contact mines are anchored off the harbor.

ARTICLE 2

Military works, military or naval establishments, depots of arms or war *matériel*, workshops

militaires ou navals, dépôts d'armes ou de matériel de guerre, ateliers et installations propres à être utilisés pour les besoins de la flotte ou de l'armée ennemie, et les navires de guerre se trouvant dans le port. Le commandant d'une force navale pourra, après sommation avec délai raisonnable, les détruire par le canon, si tout autre moyen est impossible et lorsque les autorités locales n'auront pas procédé à cette destruction dans le délai fixé.

Il n'encourt aucune responsabilité dans ce cas pour les dommages involontaires, qui pourraient être occasionnés par le bombardement.

Si des nécessités militaires, exigeant une action immédiate, ne permettaient pas d'accorder de délai, il reste entendu que l'interdiction de bombarder la ville non défendue subsiste comme dans le cas énoncé dans l'alinéa 1er et que le commandant prendra toutes les dispositions voulues pour qu'il en résulte pour cette ville le moins d'inconvénients possible.

ARTICLE 3

Il peut, après notification expresse, être procédé au bombardement des ports, villes, villages, habitations ou bâtiments non défendus, si les autorités locales, mises en demeure par

or plant which could be utilized for the needs of the hostile fleet or army, and the ships of war in the harbor, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable time of waiting, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.

He incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.

If for military reasons immediate action is necessary, and no delay can be allowed the enemy, it is understood that the prohibition to bombard the undefended town holds good, as in the case given in paragraph 1, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.

ARTICLE 3

After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, after a formal summons

une sommation formelle, refusent d'obtempérer à des réquisitions de vivres ou d'approvisionnements nécessaires au besoin présent de la force navale qui se trouve devant la localité.

Ces réquisitions seront en rapport avec les ressources de la localité. Elles ne seront réclamées qu'avec l'autorisation du commandant de ladite force navale et elles seront, autant que possible, payées au comptant; sinon elles seront constatées par des reçus.

ARTICLE 4

Est interdit le bombardement, pour le non paiement des contributions en argent, des ports, villes, villages, habitations ou bâtiments, non défendus.

CHAPITRE II. — *Dispositions générales*

ARTICLE 5

Dans le bombardement par des forces navales, toutes les mesures nécessaires doivent être prises par le commandant pour épargner, autant que possible, les édifices consacrés aux cultes, aux arts, aux sciences et à la bienfaisance, les monuments historiques, les hôpitaux et les lieux de rassemblement de malades ou de blessés, à condition qu'ils ne soient pas employés en même temps à un but militaire.

has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be evidenced by receipts.

ARTICLE 4

Undefended ports, towns, villages, dwellings, or buildings may not be bombarded on account of failure to pay money contributions.

CHAPTER II. — *General Provisions*

ARTICLE 5

In bombardment by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes.

Le devoir des habitants est de désigner ces monuments, ces édifices ou lieux de rassemblement, par des signes visibles, qui consisteront en grands panneaux rectangulaires rigides, partagés, suivant uno des diagonales, en deux triangles de couleur, noire en haut et blanche en bas.

It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large stiff rectangular panels divided diagonally into two colored triangular portions, the upper portion black, the lower portion white.

Article 6

Sauf le cas où les exigences militaires ne le permettraient pas, le commandant de la force navale assaillante doit, avant d'entreprendre le bombardement, faire tout ce qui dépend de lui pour avertir les autorités.

Article 6

If the military situation permits, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities.

Article 7

Il est interdit de livrer au pillage une ville ou localité même prise d'assaut.

Article 7

A town or place, even when taken by storm, may not be pillaged.

Chapitre III. —*Dispositions finales*

Chapter III. — *Final Provisions*

Article 8

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

Article 8

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

Article 9

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Article 9

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise, par les soins du Gouvernement des Pays-Bas et par la voie diplomatique, aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 10

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister of Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 10

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere shall notify its intention to the Netherland Government,

Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 11

La présente Convention produira effet pour, les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 12

S'il arrivait qu'une des Puissances Contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira

forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other powers a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 11

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 12

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers informing them of the date on which it was received.

The denunciation shall only

ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 13

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 9 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 10 alinéa 2) ou de dénonciation (article 12 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.[1]

have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 13

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of article 9, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 10, paragraph 2) or of denunciation (article 12, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention respecting bombardment by naval forces in time of war, signed October 18, 1907. — EDITOR.

CONVENTION POUR L'ADAPTATION À LA GUERRE MARITIME DES PRINCIPES DE LA CONVENTION DE GENÈVE

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Egalement animés du désir de diminuer, autant qu'il dépend d'eux, les maux inséparables de la guerre;

Et voulant, dans ce but, adapter à la guerre maritime les principes de la Convention de Genève du 6 juillet 1906;

Ont résolu de conclure une Convention à l'effet de réviser la Convention du 29 juillet 1899 relative à la même matière et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

ARTICLE 1

Les bâtiments-hôpitaux militaires, c'est-à-dire les bâtiments construits ou aménagés par les États spécialement et uniquement en vue de porter secours aux blessés, malades et naufragés, et dont les noms auront été commu-

CONVENTION FOR THE ADAPTATION TO NAVAL WAR OF THE PRINCIPLES OF THE GENEVA CONVENTION

His Majesty the German Emperor, King of Prussia; etc.:

Animated alike by the desire to diminish, as far as depends on them, the inevitable evils of war;

And wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 6th July, 1906;

Have resolved to conclude a convention for the purpose of revising the convention of the 29th July, 1899, relative to this question, and have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

Military hospital ships, that is to say, ships constructed or assigned by states specially and solely with a view to assisting the wounded, sick, and shipwrecked, the names of which have been communicated to the

niqués, à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage, aux Puissances belligérantes, sont respectés et ne peuvent être capturés pendant la durée des hostilités.

Ces bâtiments ne sont pas non plus assimilés aux navires de guerre au point de vue de leur séjour dans un port neutre.

ARTICLE 2

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés de secours officiellement reconnues, sont également respectés et exempts de capture, si la Puissance belligérante dont ils dépendent, leur a donné une commission officielle et en a notifié les noms à la Puissance adverse à l'ouverture ou au cours des hostilités, en tout cas avant toute mise en usage.

Ces navires doivent être porteurs d'un document de l'autorité compétente déclarant qu'ils ont été soumis à son contrôle pendant leur armement et à leur départ final.

ARTICLE 3

Les bâtiments hospitaliers, équipés en totalité ou en partie aux frais des particuliers ou des sociétés officiellement reconnues de pays neutres, sont respectés et exempts de capture, à condition

belligerent powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected and can not be captured while hostilities last.

These ships, moreover, are not on the same footing as war ships as regards their stay in a neutral port.

ARTICLE 2

Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized relief societies, shall be likewise respected and exempt from capture, if the belligerent power to whom they belong has given them an official commission and has notified their names to the hostile power at the commencement of or during hostilities, and in any case before they are employed.

These ships must be provided with a certificate from the competent authorities declaring that the vessels have been under their control while fitting out and on final departure.

ARTICLE 3

Hospital ships, equipped wholly or in part at the expense of private individuals or officially recognized societies of neutral countries, shall be respected and exempt from capture, on

qu'ils se soient mis sous la direction de l'un des belligérants, avec l'assentiment préalable de leur propre Gouvernement et avec l'autorisation du belligérant lui-même et que ce dernier en ait notifié le nom à son adversaire dès l'ouverture ou dans le cours des hostilités, en tout cas, avant tout emploi.

ARTICLE 4

Les bâtiments qui sont mentionnés dans les articles 1, 2 et 3, porteront secours et assistance aux blessés, malades et naufragés des belligérants sans distinction de nationalité.

Les Gouvernements s'engagent à n'utiliser ces bâtiments pour aucun but militaire.

Ces bâtiments ne devront gêner en aucune manière les mouvements des combattants.

Pendant et après le combat, ils agiront à leurs risques et périls.

Les belligérants auront sur eux le droit de contrôle et de visite; ils pourront refuser leur concours, leur enjoindre de s'éloigner, leur imposer une direction déterminée et mettre à bord un commissaire, même les détenir, si la gravité des circonstances l'exigeait.

Autant que possible, les belligérants inscriront sur le journal

condition that they are placed under the control of one of the belligerents, with the previous consent of their own government and with the authorization of the belligerent himself, and that the latter has notified their name to his adversary at the commencement of or during hostilities, and in any case, before they are employed.

ARTICLE 4

The ships mentioned in articles 1, 2, and 3 shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents without distinction of nationality.

The governments undertake not to use these ships for any military purpose.

These vessels must in no wise hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents shall have the right to control and search them; they can refuse to help them, order them off, make them take a certain course, and put a commissioner on board; they can even detain them, if important circumstances require it.

As far as possible, the belligerents shall enter in the log of the

de bord des bâtiments hospitaliers les ordres qu'ils leur donneront.

ARTICLE 5

Les bâtiments-hôpitaux militaires seront distingués par une peinture extérieure blanche avec une bande horizontale verte d'un mêtre et demi de largeur environ.

Les bâtiments qui sont mentionnés dans les articles 2 et 3, seront distingués par une peinture extérieure blanche avec une bande horizontale rouge d'un mètre et demi de larguer environ.

Les embarcations des bâtiments qui viennent d'être mentionnés, comme les petits bâtiments qui pourront être affectés au service hospitalier, se distingueront par une peinture analogue.

Tous les bâtiments hospitaliers se feront reconnaître en hissant, avec leur pavillon national, le pavillon blanc à croix-rouge prévu par la Convention de Genève et, en outre, s'ils ressortissent à un État neutre, en arborant au grand mât le pavillon national du belligérant sous la direction duquel ils se sont placés.

Les bâtiments hospitaliers qui, dans les termes de l'article 4, sont détenus par l'ennemi, auront à rentrer le pavillon national du belligérant dont ils relèvent.

Les bâtiments et embarcations ci-dessus mentionnés, qui veulent

hospital ships the orders which they give them.

ARTICLE 5

Military hospital ships shall be distinguished by being painted white outside with a horizontal band of green about a meter and a half in breadth.

The ships mentioned in articles 2 and 3 shall be distinguished by being painted white outside with a horizontal band of red about a meter and a half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross provided by the Geneva Convention, and further, if they belong to a neutral state, by flying at the mainmast the national flag of the belligerent under whose control they are placed.

Hospital ships which, in the terms of article 4, are detained by the enemy, must haul down the national flag of the belligerent to whom they belong.

The ships and boats above mentioned which wish to ensure

s'assurer la nuit le respect auquel ils ont droit, ont, avec l'assentiment du belligérant qu'ils accompagnent, à prendre les mesures nécessaires pour que la peinture qui les caractérise soit suffisamment apparente.

ARTICLE 6

Les signes distinctifs prévus à l'article 5 ne pourront être employés, soit en temps de paix, soit en temps de guerre, que pour protéger ou désigner les bâtiments qui y sont mentionnés.

ARTICLE 7

Dans le cas d'un combat à bord d'un vaisseau de guerre, les infirmeries seront respectées et ménagées autant que faire se pourra.

Ces infirmeries et leur matériel demeurent soumis aux lois de la guerre, mais ne pourront être détournés de leur emploi, tant qu'ils seront nécessaires aux blessés et malades.

Toutefois le commandant, qui les a en son pouvoir, a la faculté d'en disposer, en cas de nécessité militaire importante, en assurant au préalable le sort des blessés et malades qui s'y trouvent.

ARTICLE 8

La protection due aux bâtiments hospitaliers et aux in-

by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their special painting sufficiently plain.

ARTICLE 6

The distinguishing signs referred to in article 5 can only be used, whether in time of peace or war, for protecting or indicating the ships therein mentioned.

ARTICLE 7

In the case of a fight on board a war ship, the sick wards shall be respected and spared as far as possible.

The said sick wards and the *matériel* belonging to them remain subject to the laws of war; they can not, however, be used for any purpose other than that for which they were originally intended, so long as they are required for the sick and wounded.

The commander, however, into whose power they have fallen may apply them to other purposes, if the military situation requires it, after seeing that the sick and wounded on board are properly provided for.

ARTICLE 8

Hospital ships and sick wards of vessels are no longer entitled

firmeries des vaisseaux cesse si l'on en use pour commettre des actes nuisibles à l'ennemi.

N'est pas considéré comme étant de nature à justifier le retrait de la protection le fait que le personnel de ces bâtiments et infirmeries est armé pour le maintien de l'ordre et pour la défense des blessés ou malades, ainsi que le fait de la présence à bord d'une installation radio-télégraphique.

to protection if they are employed for the purpose of injuring the enemy.

The fact of the staff of the said ships and sick wards being armed for maintaining order and for defending the sick and wounded, and the presence of wireless telegraphy apparatus on board, is not a sufficient reason for withdrawing protection.

ARTICLE 9

Les belligérants pourront faire appel au zèle charitable des commandants de bâtiments de commerce, yachts ou embarcations neutres, pour prendre à bord et soigner des blessés ou des malades.

Les bâtiments qui auront répondu à cet appel ainsi que ceux qui spontanément auront recueilli des blessés, des malades ou des naufragés, jouiront d'une protection spéciale et de certaines immunités. En aucun cas, ils ne pourront être capturés pour le fait d'un tel transport; mais, sauf les promesses qui leur auraient été faites, ils restent exposés à la capture pour les violations de neutralité qu'ils pourraient avoir commises.

ARTICLE 9

Belligerents may appeal to the charity of the commanders of neutral merchant ships, yachts, or boats to take on board and tend the sick and wounded.

Vessels responding to this appeal, and also vessels which have of their own accord rescued sick, wounded, or shipwrecked men, shall enjoy special protection and certain immunities. In no case can they be captured for having such persons on board, but, apart from special undertakings that have been made to them, they remain liable to capture for any violations of neutrality they may have committed.

ARTICLE 10

Le personnel religieux, médical et hospitalier de tout bâtiment

ARTICLE 10

The religious, medical, and hospital staff of any captured

capturé est inviolable et ne peut être fait prisonnier de guerre. Il emporte, en quittant le navire, les objets et les instruments de chirurgie qui sont sa propriété particulière.

Ce personnel continuera à remplir ses fonctions tant que cela sera nécessaire et il pourra ensuite se retirer, lorsque le commandant en chef le jugera possible.

Les belligérants doivent assurer à ce personnel tombé entre leurs mains, les mêmes allocations et la même solde qu'au personnel des mêmes grades de leur propre marine.

ARTICLE 11

Les marins et les militaires embarqués, et les autres personnes officiellement attachées aux marines ou aux armées, blessés ou malades, à quelque nation qu'ils appartiennent, seront respectés et soignés par les capteurs.

ARTICLE 12

Tout vaisseau de guerre d'une partie belligérante peut réclamer la remise des blessés, malades ou naufragés, qui sont à bord de bâtiments-hôpitaux militaires, de bâtiments hospitaliers de société de secours ou de particuliers, de navires de commerce, yachts et embarcations, quelle que soit la nationalité de ces bâtiments.

ship is inviolable, and its members can not be made prisoners of war. On leaving the ship they take away with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave, when the commander in chief considers it possible.

The belligerents must guarantee to the said staff, when it has fallen into their hands, the same allowances and pay which are given to the staff of corresponding rank in their own navy.

ARTICLE 11

Sailors and soldiers on board, when sick or wounded, as well as other persons officially attached to fleets or armies, whatever their nationality, shall be respected and tended by the captors.

ARTICLE 12

Any war ship belonging to a belligerent may demand that sick, wounded, or shipwrecked men on board military hospital ships, hospital ships belonging to relief societies or to private individuals, merchant ships, yachts, or boats, whatever the nationality of these vessels, should be handed over.

ARTICLE 13

Si des blessés, malades, ou naufragés sont recueillis à bord d'un vaisseau de guerre neutre, il devra être pourvu, dans la mesure du possible, à ce qu'ils ne puissent pas de nouveau prendre part aux opérations de la guerre.

ARTICLE 13

If sick, wounded, or shipwrecked persons are taken on board a neutral war ship, every possible precaution must be taken that they do not again take part in the operations of the war.

ARTICLE 14

Sont prisonniers de guerre les naufragés, blessés ou malades d'un belligérant qui tombent au pouvoir de l'autre. Il appartient à celui-ci de décider, suivant les circonstances, s'il convient de les garder, de les diriger sur un port de sa nation, sur un port neutre ou même sur un port de l'adversaire. Dans ce dernier cas, les prisonniers ainsi rendus à leur pays ne pourront servir pendant la durée de la guerre.

ARTICLE 14

The shipwrecked, wounded, or sick of one of the belligerents who fall into the power of the other belligerent are prisoners of war. The captor must decide, according to circumstances, whether to keep them, send them to a port of his own country, to a neutral port, or even to an enemy port. In this last case, prisoners thus repatriated can not serve again while the war lasts.

ARTICLE 15

Les naufragés, blessés ou malades, qui sont débarqués dans un port neutre, du consentement de l'autorité locale, devront, à moins d'un arrangement contraire de l'État neutre avec les États belligérants, être gardés par l'État neutre de maniére qu'ils ne puissent pas de nouveau prendre part aux opérations de la guerre.

Les frais d'hospitalisation et d'internement seront supportés

ARTICLE 15

The shipwrecked, sick, or wounded, who are landed at a neutral port with the consent of the local authorities, must, unless an arrangement is made to the contrary between the neutral state and the belligerent states, be guarded by the neutral state so as to prevent them again taking part in the operations of the war.

The expenses of tending them in hospital and interning them

par l'État dont relèvent les naufragés, blessés ou malades.

shall be borne by the state to which the shipwrecked, sick, or wounded persons belong.

ARTICLE 16

Après chaque combat, les deux Parties belligérantes, en tant que les intérêts militaires le comportent, prendront des measures pour rechercher les naufragés, les blessés et les malades et pour les faire protéger, ainsi que les morts, contre le pillage et les mauvais traitements.

Elles veilleront à ce que l'inhumation, l'immersion ou l'incinération des morts soit précédée d'un examen attentif de leurs cadavres.

ARTICLE 16

After every engagement, the two belligerents, so far as military interests permit, shall take steps to look for the shipwrecked, sick, and wounded, and to protect them, as well as the dead, against pillage and ill treatment.

They shall see that the burial, whether by land or sea, or cremation of the dead shall be preceded by a careful examination of the corpse.

ARTICLE 17

Chaque belligérant enverra, dès qu'il sera possible, aux autorités de leur pays, de leur marine ou de leur armée, les marques ou pièces militaires d'identité trouvées sur les morts et l'état nominatif des blessés ou malades recueillis par lui.

Les belligérants se tiendront réciproquement au courant des internements et des mutations, ainsi que des entrées dans les hôpitaux et des décès survenus parmi les blessés et malades en leur pouvoir. Ils recueilleront tous les objets d'un usage personnel, valeurs, lettres, etc. qui seront trouvés dans les vaisseaux

ARTICLE 17

Each belligerent shall send, as early as possible, to the authorities of their country, navy, or army the military marks or documents of identity found on the dead and the description of the sick and wounded picked up by him.

The belligerents shall keep each other informed as to interments and transfers as well as to the admissions into hospital and deaths which have occurred among the sick and wounded in their hands. They shall collect all the objects of personal use, valuables, letters, etc., which are found in the captured ships.

capturés, ou délaissés par les blessés ou malades décédés dans les hôpitaux, pour les faire transmettre aux intéressés par les autorités de leur pays.

ARTICLE 18

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

ARTICLE 19

Les commandants en chef des flottes des belligérants auront à pourvoir aux détails d'exécution des articles précédents, ainsi qu'aux cas non prévus, d'après les instructions de leurs Gouvernements respectifs et conformément aux principes généraux de la présente Convention.

ARTICLE 20

Les Puissances signataires prendront les mesures nécessaires pour instruire leurs marines, et spécialement le personnel protégé, des dispositions de la présente Convention et pour les porter à la connaissance des populations.

ARTICLE 21

Les Puissances signataires

or which have been left by the sick or wounded who died in hospital, in order to have them forwarded to the persons concerned by the authorities of their own country.

ARTICLE 18

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 19

The commanders in chief of the belligerent fleets must see that the above articles are properly carried out; they will have also to see to cases not covered thereby, in accordance with the instructions of their respective governments and in conformity with the general principles of the present convention.

ARTICLE 20

The signatory powers shall take the necessary measures for bringing the provisions of the present convention to the knowledge of their naval forces, and especially of the members entitled thereunder to immunity, and for making them known to the public.

ARTICLE 21

The signatory powers likewise

s'engagent également à prendre ou à proposer à leurs législatures, en cas d'insuffisance de leurs lois pénales, les mesures nécessaires pour réprimer en temps de guerre, les actes individuels de pillage et de mauvais traitements envers des blessés et malades des marines, ainsi que pour punir, comme usurpation d'insignes militaires, l'usage abusif des signes distinctifs désignés à l'article 5 par des bâtiments non protégés par la présente Convention.

Ils se communiqueront, par l'intermédiaire du Gouvernement des Pays-Bas, les dispositions relatives à cette répression, au plus tard dans les cinq ans de la ratification de la présente convention.

ARTICLE 22

En cas d'opérations de guerre entre les forces de terre et de mer des belligérants, les dispositions de la présente Convention ne seront applicables qu'aux forces embarquées.

ARTICLE 23

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-

undertake to enact or to propose to their legislatures, if their criminal laws are inadequate, the measures necessary for checking in time of war individual acts of pillage and ill treatment in respect to the sick and wounded in the fleet, as well as for punishing, as an unjustifiable adoption of naval or military marks, the unauthorized use of the distinctive marks mentioned in article 5 by vessels not protected by the present convention.

They will communicate to each other, through the Netherland Government, the enactments for preventing such acts at the latest within five years of the ratification of the present convention.

ARTICLE 22

In the case of operations of war between the land and sea forces of belligerents, the provisions of the present convention do not apply except between the forces actually on board ship.

ARTICLE 23

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a

verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise par les soins du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 24

Les Puissances non signataires qui auront accepté la Convention de Genève du 6 juillet 1906, sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer, notifie par écrit son intention au Gouvernement des Pays-

procès-verbal signed by the representatives of the powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 24

Nonsignatory powers which have accepted the Geneva Convention of the 6th July, 1906, may adhere to the present convention.

The power which desires to adhere notifies its intention to the Netherland Government in writ-

Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 25

La présente Convention, dûment ratifiée, remplacera dans les rapports entre les Puissances contractantes, la Convention du 29 juillet 1899 pour l'adaptation à la guerre maritime des principes de la Convention de Genève.

La Convention de 1899 reste en vigueur dans les rapports entre les Puissances qui l'ont signée et qui ne ratifieraient pas également la présente Convention.

ARTICLE 26

La présente Convention produira effet pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt, et, pour les Puissances qui ratifieront ultérieurement ou qui adhéreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ing, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 25

The present convention, duly ratified, shall replace as between contracting powers, the convention of the 29th July, 1899, for the adaptation to maritime warfare of the principles of the Geneva Convention.

The convention of 1899 remains in force as between the powers which signed it but which do not also ratify the present convention.

ARTICLE 26

The present convention shall come into force, in the case of the powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 27

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas, qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 27

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 28

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt des ratifications effectué en vertu de l'article 23 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 24 alinéa 2) ou de dénonciation (article 27 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

ARTICLE 28

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of article 23, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 24, paragraph 2) or of denunciation (article 27, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.[1]

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

CONVENTION RELATIVE À CERTAINES RESTRICTIONS À L'EXERCICE DU DROIT DE CAPTURE DANS LA GUERRE MARITIME

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Reconnaissant la nécessité de mieux assurer que par le passé l'application équitable du droit aux relations maritimes internationales en temps de guerre;

Estimant que, pour y parvenir, il convient, en abandonnant ou en conciliant le cas échéant dans un intérêt commun certaines pratiques divergentes anciennes, d'entreprendre de codifier dans des règles communes les garanties dues au commerce pacifique et au travail inoffensif, ainsi que la conduite des hostilités sur mer; qu'il importe de fixer dans des engagements mutuels écrits les principes

CONVENTION RELATIVE TO CERTAIN RESTRICTIONS WITH REGARD TO THE EXERCISE OF THE RIGHT OF CAPTURE IN NAVAL WAR

His Majesty the German Emperor, King of Prussia; etc.:

Recognizing the necessity of more effectively ensuring than hitherto the equitable application of law to the international relations of maritime powers in time of war;

Considering that, for this purpose, it is expedient, in giving up or, if necessary, in harmonizing for the common interest certain conflicting practices of long standing, to commence codifying in regulations of general application the guaranties due to peaceful commerce and legitimate business, as well as the conduct of hostilities by sea; that it is expedient to lay down in written

[1] On March 10, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention for the adaptation to naval war of the principles of the Geneva convention, signed October 18, 1907. — EDITOR.

demeurés jusqu'ici dans le domaine incertain de la controverse ou laissés à l'arbitraire des Gouvernements;

Que, dès à présent, un certain nombre de règles peuvent être posées, sans qu'il soit porté atteinte au droit actuellement en vigueur concernant les matières qui n'y sont pas prévues;

Ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

CHAPITRE I. — *De la Correspondance postale*

ARTICLE 1

La correspondance postale des neutres ou des belligérants, quel que soit son caractère officiel ou privé, trouvée en mer sur un navire neutre ou ennemi, est inviolable. S'il y a saisie du navire, elle est expédiée avec le moins de retard possible par le capteur.

Les dispositions de l'alinéa précédent ne s'appliquent pas, en cas de violation de blocus, à la correspondance qui est à destination ou en provenance du port bloqué.

mutual engagements the principles which have hitherto remained in the uncertain domain of controversy or have been left to the discretion of governments;

That, from henceforth, a certain number of rules may be made, without affecting the common law now in force with regard to the matters which that law has left unsettled;

Have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

CHAPTER I. — *Postal Correspondence*

ARTICLE 1

The postal correspondence of neutrals or belligerents, whatever its official or private character may be, found on the high seas on board a neutral or enemy ship, is inviolable. If the ship is detained, the correspondence is forwarded by the captor with the least possible delay.

The provisions of the preceding paragraph do not apply, in case of violation of blockade, to correspondence destined for or proceeding from a blockaded port.

ARTICLE 2

L'inviolabilité de la correspondance postale ne soustrait pas les paquebots-poste neutres aux lois et coutumes de la guerre sur mer concernant les navires de commerce neutres en général. Toutefois, la visite n'en doit être effectuée qu'en cas de nécessité, avec tous les ménagements et toute la célérité possibles.

ARTICLE 2

The inviolability of postal correspondence does not exempt a neutral mail ship from the laws and customs of maritime war as to neutral merchant ships in general. The ship, however, may not be searched except when absolutely necessary, and then only with as much consideration and expedition as possible.

CHAPITRE II. — *De l'exemption de capture pour certains bateaux*

ARTICLE 3

Les bateaux exclusivement affectés à la pêche côtière ou à des services de petite navigation locale sont exempts de capture, ainsi que leurs engins, agrès, apparaux et chargement.

Cette exemption cesse de leur être applicable dès qu'ils participent d'une façon quelconque aux hostilités.

Les Puissances contractantes s'interdisent de profiter du caractère inoffensif desdits bateaux pour les employer dans un but militaire en leur conservant leur apparence pacifique.

CHAPTER II. — *The Exemption from Capture of Certain Vessels*

ARTICLE 3

Vessels used exclusively for fishing along the coast or small boats employed in local trade are exempt from capture, as well as their appliances, rigging, tackle, and cargo.

They cease to be exempt as soon as they take any part whatever in hostilities.

The contracting powers agree not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance.

ARTICLE 4

Sont également exempts de capture les navires chargés de missions religieuses, scientifiques ou philanthropiques.

ARTICLE 4

Vessels charged with religious, scientific, or philanthropic missions are likewise exempt from capture.

CHAPITRE III. — *Du régime des équipages des navires de commerce ennemis capturés par un belligérant*

ARTICLE 5

Lorsqu'un navire de commerce ennemi est capturé par un belligérant, les hommes de son équipage, nationaux d'un État neutre, ne sont pas faits prisonniers de guerre.

Il en est de même du capitaine et des officiers, également nationaux d'un État neutre, s'ils promettent formellement par écrit de ne pas servir sur un navire ennemi pendant la durée de la guerre.

ARTICLE 6

Le capitaine, les officiers et les membres de l'équipage, nationaux de l'État ennemi, ne sont pas faits prisonniers de guerre, à condition qu'ils s'engagent, sous la foi d'une promesse formelle écrite, à ne prendre, pendant la durée des hostilités, aucun service ayant rapport avec les opérations de la guerre.

ARTICLE 7

Les noms des individus laissés libres dans les conditions visées à l'article 5 alinéa 2 et à l'article 6, sont notifiés par le belligérant capteur à l'autre belligérant. Il est interdit à ce dernier d'employer sciemment lesdits individus.

CHAPTER III. — *Regulations regarding the Crews of Enemy Merchant Ships Captured by a Belligerent*

ARTICLE 5

When an enemy merchant ship is captured by a belligerent, such of its crew as are nationals of a neutral state are not made prisoners of war.

The same rule applies in the case of the captain and officers likewise nationals of a neutral state, if they promise formally in writing not to serve on an enemy ship while the war lasts.

ARTICLE 6

The captain, officers, and members of the crew, when nationals of the enemy state, are not made prisoners of war, on condition that they make a formal promise in writing not to undertake, while hostilities last, any service connected with the operations of the war.

ARTICLE 7

The names of the persons retaining their liberty under the conditions laid down in article 5, paragraph 2, and in article 6, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

ARTICLE 8

Les dispositions des trois articles précédents ne s'appliquent pas aux navires qui prennent part aux hostilités.

ARTICLE 8

The provisions of the three preceding articles do not apply to ships taking part in the hostilities.

CHAPITRE IV. — *Dispositions finales*

ARTICLE 9

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous Parties à la Convention.

CHAPTER IV. — *Final Provisions*

ARTICLE 9

The provisions of the present convention do not apply except between contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 10

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt de ratifications, des notifications mentionnées à l'alinéa précédent ainsi que des instruments de ratification, sera im-

ARTICLE 10

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification,

médiatement remise par les soins du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 11

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 12

La présente Convention produira effet pour les Puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les

shall be at once sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 11

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 12

The present convention shall come into force in the case of the powers which were a party to the first deposit of ratifications, sixty days after the *procès-verbal* of that deposit, and, in the case of

Puissances qui ratifieront ultérieurement ou qui adhèreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçue par le Gouvernement des Pays-Bas.

ARTICLE 13

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 14

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt des ratifications effectué en vertu de l'article 10 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 11 alinéa 2) ou de dénonciation (article 13 alinéa 1).

Chaque Puissance contractante

the powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 13

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

ARTICLE 14

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of article 10, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 11, paragraph 2) or of denunciation (article 13, paragraph 1) have been received.

Each contracting power is enti-

est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.[1]

tled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers invited to the Second Peace Conference.[1]

CONVENTION RELATIVE À L'ÉTABLISSEMENT D'UNE COUR INTERNATIONALE DES PRISES

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

Animés du désir de régler d'une manière équitable les différends qui s'élèvent, parfois, en cas de guerre maritime, à propos des décisions des tribunaux de prises nationaux;

Estimant que, si ces tribunaux doivent continuer a statuer suivant les formes prescrites par leur législation, il importe que,

CONVENTION RELATIVE TO THE CREATION OF AN INTERNATIONAL PRIZE COURT

His Majesty the German Emperor, King of Prussia; etc.:

Animated by the desire to settle in an equitable manner the differences which sometimes arise in the course of a naval war in connection with the decisions of national prize courts;

Considering that, if these courts are to continue to exercise their functions in the manner determined by national legislation

[1] On March 12, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the convention relative to certain restrictions with regard to the exercise of the right of capture in naval war, signed October 18, 1907. — EDITOR.

dans des cas déterminés, un recours puisse être formé sous des conditions qui concilient, dans la mesure du possible, les intérêts publics et les intérêts privés engagés dans toute affaire de prises;

Considérant, d'autre part, que l'institution d'une Cour internationale, dont la compétence et la procédure seraient soigneusement réglées, a paru le meilleur moyen d'atteindre ce but;

Persuadés, enfin, que de cette façon les conséquences rigoureuses d'une guerre maritime pourront être atténuées; que notamment les bons rapports entre les belligérants et les neutres auront plus de chance d'être maintenus et qu'ainsi la conservation de la paix sera mieux assurée;

Désirant conclure une convention à cet effet, ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

TITRE I. — *Dispositions générales*

ARTICLE 1

La validité de la capture d'un navire de commerce ou de sa car-

it is desirable that in certain cases an appeal should be provided, under conditions conciliating, as far as possible, the public and private interests involved in matters of prize;

Whereas, moreover, the institution of an international court, whose jurisdiction and procedure would be carefully defined, has seemed to be the best method of attaining this object;

Convinced, finally, that in this manner the hardships consequent on naval war would be mitigated; that, in particular, good relations will be more easily maintained between belligerents and neutrals and peace better assured;

Desirous of concluding a convention to this effect, have appointed the following as their plenipotentiaries:

[Names of plenipotentiaries]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:

PART I. — *General Provisions*

ARTICLE 1

The validity of the capture of a merchant ship or its cargo is

gaison est, s'il s'agit de propriétés neutres ou ennemies, établie devant une juridiction des prises conformément à la présente Convention.

ARTICLE 2

La juridiction des prises est exercée d'abord par les tribunaux de prises du belligérant capteur.

Les décisions de ces tribunaux sont prononcées en séance publique ou notifiées d'office aux parties neutres ou ennemies.

ARTICLE 3

Les décisions des tribunaux de prises nationaux peuvent être l'objet d'un recours devant la Cour internationale des prises:

1°. lorsque la décision des tribunaux nationaux concerne les propriétés d'une Puissance ou d'un particulier neutres;

2°. lorsque ladite décision concerne des propriétés ennemies et qu'il s'agit:

(*a*) de marchandises chargées sur un navire neutre,

(*b*) d'un navire ennemi, qui aurait été capturé dans les eaux territoriales d'une Puissance neutre, dans le cas où cette Puissance

decided before a prize court in accordance with the present convention when neutral or enemy property is involved.

ARTICLE 2

Jurisdiction in matters of prize is exercised in the first instance by the prize courts of the belligerent captor.

The judgments of these courts are pronounced in public or are officially notified to parties concerned who are neutrals or enemies.

ARTICLE 3

The judgments of national prize courts may be brought before the International Prize Court:

1. When the judgment of the national prize courts affects the property of a neutral power or individual;

2. When the judgment affects enemy property and relates to:

(*a*) Cargo on board a neutral ship;

(*b*) An enemy ship captured in the territorial waters of a neutral power, when that power has not made the capture the sub-

n'aurait pas fait de cette capture l'objet d'une réclamation diplomatique,

(*c*) d'une réclamation fondée sur l'allégation que la capture aurait été effectuée en violation, soit d'une disposition conventionnelle en vigueur entre les Puissances belligérantes, soit d'une disposition légale édictée par le belligérant capteur.

Le recours contre la décision des tribunaux nationaux peut être fondé sur ce que cette décision ne serait pas justifiée, soit en fait, soit en droit.

ARTICLE 4

Le recours peut être exercé:

1°. par une Puissance neutre, si la décision des tribunaux nationaux a porté atteinte à ses propriétés ou à celles de ses ressortissants (article 3 — 1°) ou s'il est allégué que la capture d'un navire ennemi a eu lieu dans les eaux territoriales de cette Puissance (article 3 — 2° *b*);

2°. par un particulier neutre, si la décision des tribunaux

ject of a diplomatic claim;

(*c*) A claim based upon the allegation that the seizure has been effected in violation, either of the provisions of a convention in force between the belligerent powers, or of an enactment issued by the belligerent captor.

The appeal against the judgment of the national court can be based on the ground that the judgment was wrong either in fact or in law.

ARTICLE 4

An appeal may be brought:

1. By a neutral power, if the judgment of the national tribunals injuriously affects its property or the property of its nationals (article 3, 1), or if the capture of an enemy vessel is alleged to have taken place in the territorial waters of that power (article 3, 2, *b*);

2. By a neutral individual, if the judgment of the national

nationaux a porté atteinte à ses propriétés (article 3 — 1°), sous réserve toutefois du droit de la Puissance dont il relève, de lui interdire l'accès de la Cour ou d'y agir elle-même en ses lieu et place;

3°. par un particulier relevant de la Puissance ennemie, si la décision des tribunaux nationaux a porté atteinte à ses propriétés dans les conditions visées à l'article 3 — 2°, à l'exception du cas prévu par l'alinéa *b*.

ARTICLE 5

Le recours peut aussi être exercé, dans les mêmes conditions qu'à l'article précédent, par les ayants-droit, neutres ou ennemis, du particulier auquel le recours est accordé, et qui sont intervenus devant la juridiction nationale. Ces ayants-droit peuvent exercer individuellement le recours dans la mesure de leur intérêt.

Il en est de même des ayants-droit, neutres ou ennemis, de la Puissance neutre dont la propriété est en cause.

court injuriously affects his property (article 3, 1), subject, however, to the reservation that the power to which he belongs may forbid him to bring the case before the court, or may itself undertake the proceedings in his place;

3. By an individual subject or citizen of an enemy power, if the judgment of the national court injuriously affects his property in the cases referred to in article 3, 2, except that mentioned in paragraph *b*.

ARTICLE 5

An appeal may also be brought on the same conditions as in the preceding article, by persons belonging either to neutral states or to the enemy, deriving their rights from and entitled to represent an individual qualified to appeal, and who have taken part in the proceedings before the national court. Persons so entitled may appeal separately to the extent of their interest.

The same rule applies in the case of persons belonging either to neutral states or to the enemy who derive their rights from and are entitled to represent a neutral power whose property was the subject of the decision.

ARTICLE 6

Lorsque, conformément à l'article 3 ci-dessus, la Cour internationale est compétente, le droit de juridiction des tribunaux nationaux ne peut être exercé à plus de deux degrés. Il appartient à la législation du belligérant capteur de décider si le recours est ouvert après la décision rendue en premier ressort ou seulement après la décision rendue en appel ou en cassation.

Faute par les tribunaux nationaux d'avoir rendu une décision définitive dans les deux ans à compter du jour de la capture, la Cour peut être saisie directement.

ARTICLE 6

When, in accordance with the above article 3, the International Court has jurisdiction, the national courts can not deal with a case in more than two instances. The municipal law of the belligerent captor shall decide whether the case may be brought before the International Court after judgment has been given in first instance or only after an appeal.

If the national courts fail to give final judgment within two years from the date of capture, the case may be carried direct to the International Court.

ARTICLE 7

Si la question de droit à résoudre est prévue par une Convention en vigueur entre le belligérant capteur et la Puissance qui est elle-même partie au litige ou dont le ressortissant est partie au litige, la Cour se conforme aux stipulations de ladite Convention.

A défaut de telles stipulations, la Cour applique les règles du droit international. Si des règles généralement reconnues n'existent pas, la Cour statue d'après les principes généraux de la justice et de l'équité.

Les dispositions ci-dessus sont

ARTICLE 7

If a question of law to be decided is covered by a treaty in force between the belligerent captor and a power which is itself or whose subject or citizen is a party to the proceedings, the court is governed by the provisions of the said treaty.

In the absence of such provisions, the court shall apply the rules of international law. If no generally recognized rule exists, the court shall give judgment in accordance with the general principles of justice and equity.

The above provisions apply

également applicables en ce qui concerne l'ordre des preuves ainsi que les moyens qui peuvent être employés.

Si, conformément à l'article 3 — 2° *c*, le recours est fondé sur la violation d'une disposition légale édictée par le belligérant capteur, la Cour applique cette disposition.

La Cour peut ne pas tenir compte des déchéances de procédure édictées par la législation du belligérant capteur, dans les cas où elle estime que les conséquences en sont contraires à la justice et à l'équité.

equally to questions relating to the order and mode of proof.

If, in accordance with article 3, 2, *c*, the ground of appeal is the violation of an enactment issued by the belligerent captor, the court will enforce the enactment.

The court may disregard failure to comply with the procedure laid down in the enactments of the belligerent captor, when it is of opinion that the consequences of complying therewith are unjust and inequitable.

ARTICLE 8

Si la Cour prononce la validité de la capture du navire ou de la cargaison, il en sera disposé conformément aux lois du belligérant capteur.

Si la nullité de la capture est prononcée, la Cour ordonne la restitution du navire ou de la cargaison et fixe, s'il y a lieu, le montant des dommages-intérêts. Si le navire ou la cargaison ont été vendus ou détruits, la Cour détermine l'indemnité à accorder de ce chef au propriétaire.

Si la nullité de la capture avait été prononcée par la juridiction nationale, la Cour n'est appelée à statuer que sur les dommages et intérêts.

ARTICLE 8

If the court pronounces the capture of the vessel or cargo to be valid, they shall be disposed of in accordance with the laws of the belligerent captor.

If it pronounces the capture to be null, the court shall order restitution of the vessel or cargo, and shall fix, if there is occasion, the amount of the damages. If the vessel or cargo have been sold or destroyed, the court shall determine the compensation to be given to the owner on this account.

If the national court pronounced the capture to be null, the court can only be asked to decide as to the damages.

ARTICLE 9

Les Puissances contractantes s'engagent à se soumettre de bonne foi aux décisions de la Cour internationale des prises et à les exécuter dans le plus bref délai possible.

ARTICLE 9

The contracting powers undertake to submit in good faith to the decisions of the International Prize Court and to carry them out with the least possible delay.

TITRE II. — *Organisation de la Cour internationale des prises*

PART II. — *Constitution of the International Prize Court*

ARTICLE 10

La Cour internationale des prises se compose de juges et de juges suppléants, nommés par les Puissances contractantes et qui tous devront être des jurisconsultes d'une compétence reconnue dans les questions de droit international maritime et jouissant de la plus haute considération morale.

La nomination de ces juges et juges suppléants sera faite dans les six mois qui suivront la ratification de la présente Convention.

ARTICLE 10

The International Prize Court is composed of judges and deputy judges, who will be appointed by the contracting powers, and must all be jurists of known proficiency in questions of international maritime law, and of the highest moral reputation.

The appointment of these judges and deputy judges shall be made within six months after the ratification of the present convention.

ARTICLE 11

Les juges et juges suppléants sont nommés pour une période de six ans, à compter de la date où la notification de leur nomination aura été reçue par le Conseil administratif institué par la Convention pour le règlement pacifique des conflits internationaux du 29 juillet 1899. Leur mandat peut être renouvelé.

ARTICLE 11

The judges and deputy judges are appointed for a period of six years, reckoned from the date on which the notification of their appointment is received by the Administrative Council established by the convention for the pacific settlement of international disputes of the 29th July, 1899. Their appointments can be renewed.

En cas de décès ou de démission d'un juge ou d'un juge suppléant, il est pourvu à son remplacement selon le mode fixé pour sa nomination. Dans ce cas, la nomination est faite pour une nouvelle période de six ans.

Should one of the judges or deputy judges die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case, the appointment is made for a fresh period of six years.

ARTICLE 12

Les juges de la Cour internationale des prises sont égaux entre eux et prennent rang d'après la date où la notification de leur nomination aura été reçue (article 11 alinéa 1), et, s'ils siègent à tour de rôle (article 15 alinéa 2), d'après la date de leur entrée en fonctions. La préséance appartient au plus âgé, au cas où la date est la même.

Les juges suppléants sont, dans l'exercice de leurs fonctions, assimilés aux juges titulaires. Toutefois ils prennent rang après ceux-ci.

ARTICLE 12

The judges of the International Prize Court are all equal in rank and have precedence according to the date on which the notification of their appointment was received (article 11, paragraph 1), and if they sit by rota (article 15, paragraph 2), according to the date on which they entered upon their duties. When the date is the same the senior in age takes precedence.

The deputy judges when acting are assimilated to the judges. They rank, however, after them.

ARTICLE 13

Les juges jouissent des privilèges et immunités diplomatiques dans l'exercice de leurs fonctions et en dehors de leur pays.

Avant de prendre possession de leur siège, les juges doivent, devant le Conseil administratif, prêter serment ou faire une affirmation solennelle d'exercer leurs fonctions avec impartialité et en toute conscience.

ARTICLE 13

The judges enjoy diplomatic privileges and immunities in the performance of their duties and when outside their own country.

Before taking their seat, the judges must swear, or make a solemn promise before the Administrative Council, to discharge their duties impartially and conscientiously.

ARTICLE 14

La Cour fonctionne au nombre de quinze juges; neuf juges constituent le quorum nécessaire.

Le juge absent ou empêché est remplacé par le suppléant.

ARTICLE 15

Les juges nommés par les Puissances contractantes dont les noms suivent: l'Allemagne, les États-Unis d'Amérique, l'Autriche-Hongrie, la France, la Grande-Bretagne, l'Italie, le Japon et la Russie sont toujours appelés à siéger.

Les juges et les juges suppléants nommés par les autres Puissances contractantes siègent à tour de rôle d'après le tableau annexé à la présente Convention; leurs fonctions peuvent être exercées successivement par la même personne. Le même juge peut être nommé par plusieurs des dites Puissances.

ARTICLE 16

Si une Puissance belligérante n'a pas, d'après le tour de rôle, un juge siégeant dans la Cour, elle peut demander que le juge nommé par elle prenne part au jugement de toutes les affaires provenant de la guerre. Dans ce cas, le sort détermine lequel des juges siégeant en vertu du tour de rôle doit s'abstenir.

ARTICLE 14

The court is composed of fifteen judges; nine judges constitute a quorum.

A judge who is absent or prevented from sitting is replaced by the deputy judge.

ARTICLE 15

The judges appointed by the following contracting powers: Germany, the United States of America, Austria-Hungary, France, Great Britain, Italy, Japan, and Russia, are always summoned to sit.

The judges and deputy judges appointed by the other contracting powers sit by rota as shown in the table annexed to the present convention; their duties may be performed successively by the same person. The same judge may be appointed by several of the said powers.

ARTICLE 16

If a belligerent power has, according to the rota, no judge sitting in the court, it may ask that the judge appointed by it should take part in the settlement of all cases arising from the war. Lots shall then be drawn as to which of the judges entitled to sit according to the rota shall withdraw. This arrangement does

Cette exclusion ne saurait s'appliquer au juge nommé par l'autre belligérant.

ARTICLE 17

Ne peut siéger le juge qui, à un titre quelconque, aura concouru à la décision des tribunaux nationaux ou aura figuré dans l'instance comme conseil ou avocat d'une partie.

Aucun juge, titulaire ou suppléant, ne peut intervenir comme agent ou comme avocat devant la Cour internationale des prises ni y agir pour une partie en quelque qualité que ce soit, pendant toute la durée de ses fonctions.

ARTICLE 18

Le belligérant capteur a le droit de désigner un officier de marine d'un grade élevé qui siègera en qualité d'assesseur avec voix consultative. La même faculté appartient à la Puissance neutre, qui est elle-même partie au litige, ou à la Puissance dont le ressortissant est partie au litige; s'il y a, par application de cette dernière disposition, plusieurs Puissances intéressées, elles doivent se concerter, au besoin par le sort, sur l'officier à désigner.

ARTICLE 19

La Cour élit son Président et son Vice-Président à la majorité

not affect the judge appointed by the other belligerent.

ARTICLE 17

No judge can sit who has been a party, in any way whatever, to the sentence pronounced by the national courts, or has taken part in the case as counsel or advocate for one of the parties.

No judge or deputy judge can, during his tenure of office, appear as agent or advocate before the International Prize Court, nor act for one of the parties in any capacity whatever.

ARTICLE 18

The belligerent captor is entitled to appoint a naval officer of high rank to sit as assessor, but with no voice in the decision. A neutral power, which is a party to the proceedings or whose subject or citizen is a party, has the same right of appointment; if as the result of this last provision more than one power is concerned, they must agree among themselves, if necessary by lot, on the officer to be appointed.

ARTICLE 19

The court elects its President and Vice-President by an abso-

absolue des suffrages exprimés. Après deux tours de scrutin, l'élection se fait à la majorité relative et, en cas de partage des voix, le sort décide.

lute majority of the votes cast. After two ballots, the election is made by a bare majority, and, in case the votes are equal, by lot.

ARTICLE 20

Les juges de la Cour internationale des prises touchent une indemnité de voyage fixée d'après les règlements de leur pays et reçoivent, en outre, pendant la session ou pendant l'exercice de fonctions conférées par la Cour, une somme de cent florins néerlandais par jour.

Ces allocations, comprises dans les frais généraux de la Cour prévus par l'article 47, sont versées par l'entremise du Bureau international institué par la Convention du 29 juillet 1899.

Les juges ne peuvent recevoir de leur propre Gouvernement ou de celui d'une autre Puissance aucune rémunération comme membres de la Cour.

ARTICLE 20

The judges on the International Prize Court are entitled to traveling allowances in accordance with the regulations in force in their own country, and in addition receive, while the court is sitting or while they are carrying out duties conferred upon them by the court, a sum of 100 Netherland florins per diem.

These payments are included in the general expenses of the court dealt with in article 47, and are paid through the International Bureau established by the convention of the 29th July, 1899.

The judges may not receive from their own government or from that of any other power any remuneration in their capacity of members of the court.

ARTICLE 21

La Cour internationale des prises a son siège à La Haye et ne peut, sauf le cas de force majeure, le transporter ailleurs qu'avec l'assentiment des parties belligérantes.

ARTICLE 21

The seat of the International Prize Court is at The Hague and it can not, except in the case of *force majeure*, be transferred elsewhere without the consent of the belligerents.

ARTICLE 22

Le Conseil administratif, dans lequel ne figurent que les représentants des Puissances contractantes, remplit, à l'égard de la Cour internationale des prises, les fonctions qu'il remplit à l'égard de la Cour permanente d'arbitrage.

ARTICLE 23

Le Bureau international sert de greffe à la Cour internationale des prises et doit mettre ses locaux et son organisation à la disposition de la Cour. Il a la garde des archives et la gestion des affaires administratives.

Le secrétaire général du Bureau international remplit les fonctions de greffier.

Les secrétaires adjoint sau greffier, les traducteurs et les sténographes nécessaires sont désignés et assermentés par la Cour.

ARTICLE 24

La Cour décide du choix de la langue dont elle fera usage et des langues dont l'emploi sera autorisé devant elle.

Dans tous les cas, la langue officielle des tribunaux nationaux, qui ont connu de l'affaire, peut être employée devant la Cour.

ARTICLE 25

Les Puissances intéressées ont le droit de nommer des agents spéciaux ayant mission de servir

ARTICLE 22

The Administrative Council fulfills, with regard to the International Prize Court, the same functions as to the Permanent Court of Arbitration, but only representatives of contracting powers will be members of it.

ARTICLE 23

The International Bureau acts as registry to the International Prize Court and must place its offices and staff at the disposal of the court. It has charge of the archives and carries out the administrative work.

The Secretary-General of the International Bureau acts as Registrar.

The necessary secretaries to assist the Registrar, translators, and shorthand writers are appointed and sworn in by the court.

ARTICLE 24

The court determines which language it will itself use and what languages may be used before it.

In every case the official language of the national courts which have had cognizance of the case may be used before the court.

ARTICLE 25

Powers which are concerned in a case may appoint special agents to act as intermediaries between

d'intermédiaires entre Elles et la Cour. Elles sont, en outre, autorisées à charger des conseils ou avocats de la défense de leurs droits et intérêts.

ARTICLE 26

Le particulier intéressé sera représenté devant la Cour par un mandataire qui doit être soit un avocat autorisé à plaider devant une Cour d'appel ou une Cour suprême de l'un des Pays contractants, soit un avoué exerçant sa profession auprès d'une telle Cour, soit enfin un professeur de droit à une école d'enseignement supérieur d'un de ces pays.

ARTICLE 27

Pour toutes les notifications à faire, notamment aux parties, aux témoins et aux experts, la Cour peut s'adresser directement au Gouvernement de la Puissance sur le territoire de laquelle la notification doit être effectuée. Il en est de même s'il s'agit de faire procéder à l'établissement de tout moyen de preuve.

Les requêtes adressées à cet effet seront exécutées suivant les moyens dont la Puissance requise dispose d'après sa législation intérieure. Elles ne peuvent être refusées que si cette Puissance les juge de nature à porter atteinte à sa souveraineté ou à sa sécurité. S'il est donné suite à

themselves and the court. They may also engage counsel or advocates to defend their rights and interests.

ARTICLE 26

A private person concerned in a case will be represented before the court by an attorney, who must be either an advocate qualified to plead before a court of appeal or a high court of one of the contracting states, or a lawyer practicing before a similar court, or lastly, a professor of law at one of the higher teaching centers of those countries.

ARTICLE 27

For all notices to be served, in particular on the parties, witnesses, or experts, the court may apply direct to the government of the state on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the power applied to under its municipal law allow. They can not be rejected unless the power in question considers them calculated to impair its sovereign rights or its safety. If the re-

la requéte, les frais ne comprennent que les dépenses d'exécution réellement effectuées.

La Cour a également la faculté de recourir à l'intermédiaire de la Puissance sur le territoire de laquelle elle a son siège.

Les notifications à faire aux parties dans le lieu où siège la Cour peuvent être exécutées par le Bureau international.

quest is complied with, the fees charged must only comprise the expenses actually incurred.

The court is equally entitled to act through the power on whose territory it sits.

Notices to be given to parties in the place where the court sits may be served through the International Bureau.

TITRE III. — *Procédure devant la Cour internationale des prises*

ARTICLE 28

Le recours devant la Cour internationale des prises est formé au moyen d'une déclaration écrite, faite devant le tribunal national qui a statué, ou adressée au Bureau international; celui-ci peut être saisi même par télégramme.

Le délai du recours est fixé à cent vingt jours à dater du jour où la décision a été prononcée ou notifiée (article 2 alinéa 2).

ARTICLE 29

Si la déclaration de recours est faite devant le tribunal national, celui-ci, sans examiner si le délai a été observé, fait, dans les sept jours qui suivent, expédier le dossier de l'affaire au Bureau international.

PART III. — *Procedure in the International Prize Court*

ARTICLE 28

An appeal to the International Prize Court is entered by means of a written declaration made in the national court which has already dealt with the case or addressed to the International Bureau; in the latter case the appeal can be entered by telegram.

The period within which the appeal must be entered is fixed at 120 days, counting from the day the decision is delivered or notified (article 2, paragraph 2).

ARTICLE 29

If the notice of appeal is entered in the national court, this court, without considering the question whether the appeal was entered in due time, will transmit within seven days the record of the case to the International Bureau.

Si la déclaration de recours est adressée au Bureau international, celui-ci en prévient directement le tribunal national, par télégramme s'il est possible. Le tribunal transmettra le dossier comme il est dit à l'alinéa précédent.

Lorsque le recours est formé par un particulier neutre, le Bureau international en avise immédiatement par télégramme la Puissance dont relève le particulier, pour permettre à cette Puissance de faire valoir le droit que lui reconnaît l'article 4—2°.

If the notice of appeal is sent to the International Bureau, the Bureau will immediately inform the national court, when possible by telegraph. The latter will transmit the record as provided in the preceding paragraph.

When the appeal is brought by a neutral individual the International Bureau at once informs by telegraph the individual's government, in order to enable it to enforce the rights it enjoys under article 4, paragraph 2.

Article 30

Dans le cas prévu à l'article 6 alinéa 2, le recours ne peut être adressé qu'au Bureau international. Il doit être introduit dans les trente jours qui suivent l'expiration du délai de deux ans.

Article 30

In the case provided for in article 6, paragraph 2, the notice of appeal can be addressed to the International Bureau only. It must be entered within thirty days of the expiration of the period of two years.

Article 31

Faute d'avoir formé son recours dans le délai fixé à l'article 28 ou à l'article 30, la partie sera, sans débats, déclarée non recevable.

Toutefois, si elle justifie d'un empêchement de force majeure et si elle a formé son recours dans les soixante jours qui ont suivi la cessation de cet empêchement, elle peut être relevée de la déchéance encourue, la partie ad-

Article 31

If the appellant does not enter his appeal within the period laid down in articles 28 or 30, it shall be rejected without discussion.

Provided that he can show that he was prevented from so doing by *force majeure*, and that the appeal was entered within sixty days after the circumstances which prevented him entering it before had ceased to operate, the court

verse ayant été dûment entendue.

ARTICLE 32

Si le recours a été formé en temps utile, la Cour notifie d'office et sans délai à la partie adverse une copie certifiée conforme de la déclaration.

ARTICLE 33

Si, en dehors des parties qui se sont pourvues devant la Cour, il y a d'autres intéressés ayant le droit d'exercer le recours, ou si, dans le cas prévu à l'article 29 alinéa 3, la Puissance qui a été avisée, n'a pas fait connaître sa résolution, la Cour attend, pour se saisir de l'affaire, que les délais prévus à l'article 28 ou à l'article 30 soient expirés.

ARTICLE 34

La procédure devant la Cour internationale comprend deux phases distinctes: l'instruction écrite et les débats oraux.

L'instruction écrite consiste dans le dépôt et l'échange d'exposés, de contre-exposés et, au besoin, de répliques dont l'ordre et les délais sont fixés par la Cour. Les parties y joignent toutes pièces et documents dont elles comptent se servir.

can, after hearing the respondent, grant relief from the effect of the above provision.

ARTICLE 32

If the appeal is entered in time, a certified copy of the notice of appeal is forthwith officially transmitted by the court to the respondent.

ARTICLE 33

If, in addition to the parties who are before the court, there are other parties concerned who are entitled to appeal, or if, in the case referred to in article 29, paragraph 3, the government who has received notice of an appeal has not announced its decision, the court will await before dealing with the case the expiration of the period laid down in articles 28 or 30.

ARTICLE 34

The procedure before the International Court includes two distinct parts: the written pleadings and oral discussions.

The written pleadings consist of the deposit and exchange of cases, counter-cases, and, if necessary, of replies, of which the order is fixed by the court, as also the periods within which they must be delivered. The parties annex thereto all papers and documents of which they intend to make use.

Toute pièce, produite par une partie, doit être communiquée en copie certifiée conforme à l'autre partie par l'intermédiaire de la Cour.

ARTICLE 35

L'instruction écrite étant terminée, il y a lieu à une audience publique, dont le jour est fixé par la Cour.

Dans cette audience, les parties exposent l'état de l'affaire en fait et en droit.

La Cour peut, en tout état de cause, suspendre les plaidoiries, soit à la demande d'une des parties, soit d'office, pour procéder à une information complémentaire.

ARTICLE 36

La Cour internationale peut ordonner que l'information complémentaire aura lieu, soit conformément aux dispositions de l'article 27, soit directement devant elle ou devant un ou plusieurs de ses membres en tant que cela peut se faire sans moyen coercitif ou comminatoire.

Si des mesures d'information doivent être prises par des membres de la Cour en dehors du territoire où elle a son siège, l'assentiment du Gouvernement étranger doit être obtenu.

ARTICLE 37

Les parties sont appelées à as-

A certified copy of every document produced by one party must be communicated to the other party through the medium of the court.

ARTICLE 35

After the close of the pleadings, a public sitting is held on a day fixed by the court.

At this sitting the parties state their view of the case both as to the law and as to the facts.

The court may, at any stage of the proceedings, suspend speeches of counsel, either at the request of one of the parties, or on their own initiative, in order that supplementary evidence may be obtained.

ARTICLE 36

The International Court may order the supplementary evidence to be taken either in the manner provided by article 27, or before itself, or one or more of the members of the court, provided that this can be done without resort to compulsion or the use of threats.

If steps are to be taken for the purpose of obtaining evidence by members of the court outside the territory where it is sitting, the consent of the foreign government must be obtained.

ARTICLE 37

The parties are summoned to

sister à toutes mesures d'instruction. Elles reçoivent une copie certifiée conforme des procès-verbaux.

ARTICLE 38

Les débats sont dirigés par le Président ou le Vice-Président et, en cas d'absence ou d'empêchement de l'un et de l'autre, par le plus ancien des juges présents.

Le juge nommé par une partie belligérante ne peut siéger comme Président.

ARTICLE 39

Les débats sont public sauf le droit pour une Puissance en litige de demander qu'il y soit procédé à huis clos.

Ils sont consignés dans des procès-verbaux, que signent le Président et le greffier et qui seuls ont caractère authentique.

ARTICLE 40

En cas de non comparution d'une des parties, bien que régulièrement citée, ou faute par elle d'agir dans les délais fixés par la Cour, il est procédé sans elle et la Cour décide d'après les éléments d'appréciation qu'elle a à sa disposition.

ARTICLE 41

La Cour notifie d'office aux parties toutes décisions ou ordonnances prises en leur absence.

take part in all stages of the proceedings and receive certified copies of the minutes.

ARTICLE 38

The discussions are under the control of the President or Vice-President, or, in case they are absent or can not act, of the senior judge present.

The judge appointed by a belligerent party can not preside.

ARTICLE 39

The discussions take place in public, subject to the right of a government who is a party to the case to demand that they be held in private.

Minutes are taken of these discussions and signed by the President and Registrar, and these minutes alone have an authentic character.

ARTICLE 40

If a party does not appear, despite the fact that he has been duly cited, or if a party fails to comply with some step within the period fixed by the court, the case proceeds without that party, and the court gives judgment in accordance with the material at its disposal.

ARTICLE 41

The court officially notifies to the parties decrees or decisions made in their absence.

ARTICLE 42

La Cour apprécie librement l'ensemble des actes, preuves et déclarations orales.

ARTICLE 42

The court takes into consideration in arriving at its decision all the facts, evidence, and oral statements.

ARTICLE 43

Les délibérations de la Cour ont lieu à huis clos et restent secrètes.

Toute décision est prise à la majorité des juges présents. Si la Cour siège en nombre pair et qu'il y ait partage des voix, la voix du dernier des juges dans l'ordre de préséance établi d'après l'article 12 alinéa 1 n'est pas comptée.

ARTICLE 43

The court considers its decision in private and the proceedings are secret.

All questions are decided by a majority of the judges present. If the number of judges is even and equally divided, the vote of the junior judge in the order of precedence laid down in article 12, paragraph 1, is not counted.

ARTICLE 44

L'arrêt de la Cour doit être motivé. Il mentionne les noms des juges qui y ont participé, ainsi que les noms des assesseurs, s'il y a lieu; il est signé par le Président et par le greffier.

ARTICLE 44

The judgment of the court must give the reasons on which it is based. It contains the names of the judges taking part in it, and also of the assessors, if any; it is signed by the President and Registrar.

ARTICLE 45

L'arrêt est prononcé en séance publique, les parties présente ou dûment appelées; il est notifié d'office aux parties.

Cette notification une fois faite, la Cour fait parvenir au tribunal national des prises le dossier de l'affaire en y joignant une expédi-

ARTICLE 45

The sentence is pronounced in public sitting, the parties concerned being present or duly summoned to attend; the sentence is officially communicated to the parties.

When this communication has been made, the court transmits to the national prize court the record of the case, together with

tion des diverses décisions intervenues ainsi qu'une copie des procès-verbaux de l'instruction.

ARTICLE 46

Chaque partie supporte les frais occasionnés par sa propre défense.

La partie qui succombe supporte, en outre, les frais causés par la procédure. Elle doit, de plus, verser un centième de la valeur de l'objet litigieux à titre de contribution aux frais généraux de la Cour internationale. Le montant de ces versements est déterminé par l'arrêt de la Cour.

Si le recours est exercé par un particulier, celui-ci fournit au Bureau international un cautionnement dont le montant est fixé par la Cour et qui est destiné à garantir l'exécution éventuelle des deux obligations mentionnées dans l'alinéa précédent. La Cour peut subordonner l'ouverture de la procédure au versement du cautionnement.

ARTICLE 47

Les frais généraux de la Cour internationale des prises sont supportés par les Puissances contractantes dans la proportion de leur participation au fonctionnement de la Cour telle qu'elle est prévue par l'article 15 et par le tableau y annexé. La désignation des juges suppléants ne donne pas lieu à contribution.

copies of the various decisions arrived at and of the minutes of the proceedings.

ARTICLE 46

Each party pays its own costs.

The party against whom the court decides bears, in addition, the costs of the trial, and also pays 1 per cent. of the value of the subject-matter of the case as a contribution to the general expenses of the International Court. The amount of these payments is fixed in the judgment of the court.

If the appeal is brought by an individual, he will furnish the International Bureau with security to an amount fixed by the court, for the purpose of guaranteeing eventual fulfillment of the two obligations mentioned in the preceding paragraph. The court is entitled to postpone the opening of the proceedings until the security has been furnished.

ARTICLE 47

The general expenses of the International Prize Court are borne by the contracting powers in proportion to their share in the composition of the court as laid down in article 15 and in the annexed table. The appointment of deputy judges does not involve any contribution.

Le Conseil administratif s'adresse aux Puissances pour obtenir les fonds nécessaires au fonctionnement de la Cour.

The Administrative Council applies to the powers for the funds requisite for the working of the court.

ARTICLE 48

Quand la Cour n'est pas en session, les fonctions qui lui sont conférées par l'article 32, l'article 34 alinéas 2 et 3, l'article 35 alinéa 1 et l'article 46 alinéa 3, sont exercées par une Délégation de trois juges désignés par la Cour. Cette Délégation décide à la majorité des voix.

ARTICLE 48

When the court is not sitting, the duties conferred upon it by article 32, article 34, paragraphs 2 and 3, article 35, paragraph 1, and article 46, paragraph 3, are discharged by a delegation of three judges appointed by the court. This delegation decides by a majority of votes.

ARTICLE 49

La Cour fait elle-même son règlement d'ordre intérieur qui doit être communiqué aux Puissances contractantes.

Dans l'année de la ratification de la présente Convention, elle se réunira pour élaborer ce règlement.

ARTICLE 49

The court itself draws up its own rules of procedure, which must be communicated to the contracting powers.

It will meet to elaborate these rules within a year of the ratification of the present convention.

ARTICLE 50

La Cour peut proposer des modifications à apporter aux dispositions de la présente Convention qui concernent la procédure. Ces propositions sont communiquées, par l'intermédiaire du Gouvernement des Pays-Bas, aux Puissances contractantes qui se concerteront sur la suite à y donner.

ARTICLE 50

The court may propose modifications in the provisions of the present convention concerning procedure. These proposals are communicated, through the medium of the Netherland Government, to the contracting powers, which will consider together as to the measures to be taken.

TITRE IV. — *Dispositions finales*

ARTICLE 51

La présente Convention ne s'applique de plein droit que si les Puissances belligérants sont toutes parties à la Convention.

Il est entendu, en outre, que le recours devant la Cour internationale des prises ne peut être exercé que par une Puissance contractante ou le ressortissant d'une Puissance contractante.

Dans les cas de l'article 5, le recours n'est admis que si le propriétaire et l'ayant-droit sont également des Puissances contractantes ou des ressortissants de Puissances contractantes.

ARTICLE 52

La présente Convention sera ratifiée et les ratifications en seront déposées à La Haye dès que toutes les Puissances désignées à l'article 15 et dans son annexe seront en mesure de le faire.

Le dépôt des ratifications aura lieu en tout cas, le 30 juin 1909, si les Puissances prêtes à ratifier peuvent fournir à la Cour neuf juges et neuf juges suppléants, aptes à siéger effectivement. Dans le cas contraire, le dépôt sera ajourné jusqu'au moment où cette condition sera remplie.

Il sera dressé du dépôt des ratifications un procès-verbal

PART IV. — *Final Provisions*

ARTICLE 51

The present convention does not apply as of right except when the belligerent powers are all parties to the convention.

It is further fully understood that an appeal to the International Prize Court can only be brought by a contracting power or the subject or citizen of a contracting power.

In the cases mentioned in article 5, the appeal is only admitted when both the owner and the person entitled to represent him are equally contracting powers or the subjects or citizens of contracting powers.

ARTICLE 52

The present convention shall be ratified and the ratifications shall be deposited at The Hague as soon as all the powers mentioned in article 15 and in the table annexed are in a position to do so.

The deposit of the ratifications shall take place, in any case, on the 30th June, 1909, if the powers which are ready to ratify furnish nine judges and nine deputy judges to the court, qualified to validly constitute a court. If not, the deposit shall be postponed until this condition is fulfilled.

A minute of the deposit of ratifications shall be drawn up,

dont une copie, certifiée conforme, sera remise par la voie diplomatique à chacune des Puissances désignées à l'alinéa premier.

ARTICLE 53

Les Puissances désignées à l'article 15 et dans son annexe sont admises à signer la présente Convention jusqu'au dépôt des ratifications prévu par l'alinéa 2 de l'article précédent.

Après ce dépôt, elles seront toujours admises à y adhérer, purement et simplement. La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant, en même temps, l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement. Celui-ci enverra, par la voie diplomatique, une copie certifiée conforme de la notification et de l'acte d'adhésion à toutes les Puissances désignées à l'alinéa précédent, en leur faisant savoir la date où il a reçu la notification.

ARTICLE 54

La présente Convention entrera en vigueur six mois à partir du dépôt des ratifications prévu par l'article 52 alinéas 1 et 2.

Les adhésions produiront effet soixante jours après que la noti-

of which a certified copy shall be forwarded, through the diplomatic channel, to each of the powers referred to in the first paragraph.

ARTICLE 53

The powers referred to in article 15 and in the table annexed are entitled to sign the present convention up to the deposit of the ratifications contemplated in paragraph 2 of the preceding article.

After this deposit, they can at any time adhere to it, purely and simply. A power wishing to adhere notifies its intention in writing to the Netherland Government transmitting to it, at the same time, the act of adhesion, which shall be deposited in the archives of the said Government. The latter shall send, through the diplomatic channel, a certified copy of the notification and of the act of adhesion to all the powers referred to in the preceding paragraph, informing them of the date on which it has received the notification.

ARTICLE 54

The present convention shall come into force six months from the deposit of the ratifications contemplated in article 52, paragraphs 1 and 2.

The adhesions shall take effect sixty days after notification of

fication en aura été reçue par le Gouvernement des Pays-Bas et, au plus tôt, à l'expiration du délai prévu par l'alinéa précédent.

Toutefois, la Cour internationale aura qualité pour juger les affaires de prises décidées par la juridiction nationale à partir du dépôt des ratifications ou de la réception de la notification des adhésions. Pour ces décisions, le délai fixé à l'article 28 alinéa 2, ne sera compté que de la date de la mise en vigueur de la Convention pour les Puissances ayant ratifié ou adhéré.

such adhesion has been received by the Netherland Government, or as soon as possible on the expiration of the period contemplated in the preceding paragraph.

The International Court shall, however, have jurisdiction to deal with prize cases decided by the national courts at any time after the deposit of the ratifications or of the receipt of the notification of the adhesions. In such cases, the period fixed in article 28, paragraph 2, shall only be reckoned from the date when the convention comes into force as regards a power which has ratified or adhered.

ARTICLE 55

La présente Convention aura une durée de douze ans à partir de sa mise en vigueur, telle qu'elle est déterminée par l'article 54 alinéa 1, même pour les Puissances ayant adhéré postérieurement.

Elle sera renouvelée tacitement de six ans en six ans sauf dénonciation.

La dénonciation devra être, au moins un an avant l'expiration de chacune des périodes prévues par les deux alinéas précédents, notifiée par écrit au Gouvernement des Pays-Bas qui en donnera connaissance à toutes les autres Parties contractantes.

La dénonciation ne produira

ARTICLE 55

The present convention shall remain in force for twelve years from the time it comes into force, as determined by article 54, paragraph 1, even in the case of powers which adhere subsequently.

It shall be renewed tacitly from six years to six years unless denounced.

Denunciation must be notified in writing, at least one year before the expiration of each of the periods mentioned in the two preceding paragraphs, to the Netherland Government, which will inform all the other contracting powers.

Denunciation shall only take

ses effets qu'à l'égard de la Puissance qui l'aura notifiée. La Convention subsistera pour les autres Puissances contractantes, pourvu que leur participation à la désignation des juges soit suffisante pour permettre le fonctionnement de la Cour avec neuf juges et neuf juges suppléants.

ARTICLE 56

Dans le cas où la présente Convention n'est pas en vigueur pour toutes les Puissances désignées dans l'article 15 et le tableau qui s'y rattache, le Conseil administratif dresse, conformément aux dispositions de cet article et de ce tableau, la liste des juges et des juges suppléants pour lesquels les Puissances contractantes participent au fonctionnement de la Cour. Les juges appelés à siéger à tour de rôle seront, pour le temps qui leur est attribué par le tableau susmentionné, répartis entre les différentes années de la période de six ans, de manière que, dans la mesure du possible, la Cour fonctionne chaque année en nombre égal. Si le nombre des juges suppléants dépasse celui des juges, le nombre de ces derniers pourra être complété par des juges suppléants désignés par le sort parmi celles des Puissances qui ne nomment pas de juge titulaire.

La liste ainsi dressée par le

effect in regard to the power which has notified it. The convention shall remain in force in the case of the other contracting powers, provided that their participation in the appointment of judges is sufficient to allow of the composition of the court with nine judges and nine deputy judges.

ARTICLE 56

In case the present convention is not in operation as regards all the powers referred to in article 15 and the annexed table, the Administrative Council shall draw up a list on the lines of that article and table of the judges and deputy judges through whom the contracting powers will share in the composition of the court. The times allotted by the said table to judges who are summoned to sit in rota will be redistributed between the different years of the six-year period in such a way that, as far as possible, the number of the judges of the court in each year shall be the same. If the number of deputy judges is greater than that of the judges, the number of the latter can be completed by deputy judges chosen by lot among those powers which do not nominate a judge.

The list drawn up in this way

Conseil administratif sera notifiée aux Puissances Contractantes. Elle sera révisée quand le nombre de celles-ci sera modifié par suite d'adhésions ou de dénonciations.

Le changement à opérer par suite d'une adhésion ne se produira qu'à partir du 1er janvier qui suit la date à laquelle l'adhésion a son effet, à moins que la Puissance adhérente ne soit une Puissance belligérante, cas auquel elle peut demander d'être aussitôt représentée dans la Cour, la disposition de l'article 16 étant du reste applicable, s'il y a lieu.

Quand le nombre total des juges est inférieur à onze, sept juges constituent le quorum nécessaire.

by the Administrative Council shall be notified to the contracting powers. It shall be revised when the number of these powers is modified as the result of adhesions or denunciations.

The change resulting from an adhesion is not made until the 1st January after the date on which the adhesion takes effect, unless the adhering power is a belligerent power, in which case it can ask to be at once represented in the court, the provision of article 16 being, moreover, applicable if necessary.

When the total number of judges is less than eleven, seven judges form a quorum.

ARTICLE 57

Deux ans avant l'expiration de chaque période visée par les alinéas 1 et 2 de l'article 55, chaque Puissance contractante pourra demander une modification des dispositions de l'article 15 et du tableau y annexé, relativement à sa participation au fonctionnement de la Cour. La demande sera adressée au Conseil administratif qui l'examinera et soumettra à toutes les Puissances des propositions sur la suite à y donner. Les Puissances feront, dans le plus bref

ARTICLE 57

Two years before the expiration of each period referred to in paragraphs 1 and 2 of article 55 any contracting power can demand a modification of the provisions of article 15 and of the annexed table, relative to its participation in the composition of the court. The demand shall be addressed to the Administrative Council, which will examine it and submit to all the powers proposals as to the measures to be adopted. The powers shall inform the Administrative Coun-

délai possible, connaître leur résolution au Conseil administratif. Le résultat sera immédiatement, et au moins un an et trente jours avant l'expiration dudit délai de deux ans, communiqué à la Puissance qui a fait la demande.

Les cas échéant, les modifications adoptées par les Puissances entreront en vigueur dès le commencement de la nouvelle période.

En foi de quoi les Plénipotentiaires ont revêtu la présente convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances désignées à l'article 15 et dans son annexe.[1]

cil of their decision with the least possible delay. The result shall be at once, and at least one year and thirty days before the expiration of the said period of two years, communicated to the power which made the demand.

When necessary, the modifications adopted by the powers shall come into force from the commencement of the new period.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers designated in article 15 and in the table annexed.[1]

[1] Article 7 authorizes the Prize Court, in the absence of special agreement between the litigating states, to apply the rules of international law, and if no generally recognized rules exist, to give judgment in accordance with the general principles of justice and equity.

In order to reach an agreement upon international maritime law, Great Britain has invited a conference of leading maritime powers to meet at London in the fall of 1908, so that the law to be administered by the court, if established, will exist in conventional or codified form.

As the fate of the court may depend upon the success or failure of the proposed conference to harmonize or codify the law to be administered, the United States has adjourned consideration of the prize-court convention. — EDITOR.

ANNEXE DE L'ARTICLE 15

DISTRIBUTION DES JUGES ET JUGES SUPPLÉANTS PAR PAYS POUR CHAQUE ANNÉE DE LA PÉRIODE DE SIX ANS

Juges	Juges suppléants
Iière année	
1 Argentine	Paraguay
2 Colombie	Bolivie
3 Espagne	Espagne
4 Grèce	Roumanie
5 Norvège	Suède
6 Pays-Bas	Belgique
7 Turquie	Perse
IIième année	
1 Argentine	Panama
2 Espagne	Espagne
3 Grèce	Roumanie
4 Norvège	Suède
5 Pays-Bas	Belgique
6 Turquie	Luxembourg
7 Uruguay	Costa Rica
IIIième année	
1 Brésil	Dominicaine
2 Chine	Turquie
3 Espagne	Portugal
4 Pays-Bas	Suisse
5 Roumanie	Grèce
6 Suède	Danemark
7 Vénézuéla	Haïti
IVième année	
1 Brésil	Guatémala
2 Chine	Turquie
3 Espagne	Portugal
4 Pérou	Honduras
5 Roumanie	Grèce
6 Suède	Danemark
7 Suisse	Pays-Bas

ANNEX TO ARTICLE 15

DISTRIBUTION OF JUDGES AND DEPUTY JUDGES BY COUNTRIES FOR EACH YEAR OF THE PERIOD OF SIX YEARS

Judges	Deputy judges
First year	
1 Argentina	Paraguay
2 Colombia	Bolivia
3 Spain	Spain
4 Greece	Roumania
5 Norway	Sweden
6 Netherlands	Belgium
7 Turkey	Persia
Second year	
1 Argentina	Panama
2 Spain	Spain
3 Greece	Roumania
4 Norway	Sweden
5 Netherlands	Belgium
6 Turkey	Luxemburg
7 Uruguay	Costa Rica
Third year	
1 Brazil	Santo Domingo
2 China	Turkey
3 Spain	Portugal
4 Netherlands	Switzerland
5 Roumania	Greece
6 Sweden	Denmark
7 Venezuela	Haiti
Fourth year	
1 Brazil	Guatemala
2 China	Turkey
3 Spain	Portugal
4 Peru	Honduras
5 Roumania	Greece
6 Sweden	Denmark
7 Switzerland	Netherlands

Juges	Juges suppléants	Judges	Deputy judges
Vième année		*Fifth year*	
1 Belgique	Pays-Bas	1 Belgium	Netherlands
2 Bulgarie	Monténégro	2 Bulgaria	Montenegro
3 Chili	Nicaragua	3 Chile	Nicaragua
4 Danemark	Norvège	4 Denmark	Norway
5 Mexique	Cuba	5 Mexico	Cuba
6 Perse	Chine	6 Persia	China
7 Portugal	Espagne	7 Portugal	Spain
VIième année		*Sixth year*	
1 Belgique	Pays-Bas	1 Belgium	Netherlands
2 Chili	Salvador	2 Chile	Salvador
3 Danemark	Norvège	3 Denmark	Norway
4 Mexique	Equateur	4 Mexico	Ecuador
5 Portugal	Espagne	5 Portugal	Spain
6 Serbie	Bulgarie	6 Servia	Bulgaria
7 Siam	Chine	7 Siam	China

CONVENTION CONCERNANT LES DROITS ET LES DEVOIRS DES PUISSANCES NEUTRES EN CAS DE GUERRE MARITIME

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; etc.:

En vue de diminuer les divergences d'opinion qui, en cas de guerre maritime, existent encore au sujet des rapports entre les Puissances neutres et les Puissances belligérantes, et de prévenir les difficultés auxquelles ces divergences pourraient donner lieu;

Considérant que, si l'on ne peut concerter dès maintenant des stipulations s'étendant à toutes les circonstances qui peuvent se présenter dans la pra-

CONVENTION CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR

His Majesty the German Emperor, King of Prussia; etc.:

With a view to harmonizing the divergent views which, in the event of naval war, are still held on the relations between neutral powers and belligerent powers, and to anticipating the difficulties to which such divergence of views might give rise;

Seeing that, even if it is not possible at present to concert measures applicable to all circumstances which may in practice occur, it is nevertheless undeni-

tique, il y a néanmoins une utilité incontestable à établir, dans la mesure du possible, des règles communes pour le cas où malheureusement la guerre viendrait à éclater;

Considérant que, pour les cas non prévus par la présente Convention, il y a lieu de tenir compte des principes généraux du droit des gens;

Considérant qu'il est désirable que les Puissances édictent des prescriptions précises pour régler les conséquences de l'état de neutralité qu'elles auraient adopté;

Considérant que c'est, pour les Puissances neutres, un devoir reconnu d'appliquer impartialement aux divers belligérants les règles adoptées par elles;

Considérant que, dans cet ordre d'idées, ces règles ne devraient pas, en principe, être changées au cours de la guerre, par une Puissance neutre, sauf dans le cas où l'expérience acquise en démontrerait la nécessité pour la sauvegarde de ses droits;

Sont convenus d'observer les règles communes suivantes qui, ne sauraient, d'ailleurs, porter aucune atteinte aux stipulations des traités généraux existants, et ont nommé pour Leurs Plénipotentiaires, savoir:

[Dénomination des Plénipotentiaires]

ably advantageous to frame, as far as possible, rules of general application to meet the case where war has unfortunately broken out;

Seeing that, in cases not covered by the present convention, it is expedient to take into consideration the general principles of the law of nations;

Seeing that it is desirable that the powers should issue detailed enactments to regulate the results of the attitude of neutrality when adopted by them;

Seeing that it is, for neutral powers, an admitted duty to apply these rules impartially to the several belligerents;

Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral power, except in a case where experience has shown the necessity for such change for the protection of the rights of that power;

Have agreed to observe the following common rules, which can not, however, modify provisions laid down in existing general treaties, and have appointed as their plenipotentiaries, namely:

[Names of plenipotentiaries]

Lesquels, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes:

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:

ARTICLE 1

Les belligérants sont tenus de respecter les droits souverains des Puissances neutres et de s'abstenir, dans le territoire ou les eaux neutres, de tous actes qui constitueraient de la part des Puissances qui les tolèreraient un manquement à leur neutralité.

ARTICLE 1

Belligerents are bound to respect the sovereign rights of neutral powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any power, constitute a violation of neutrality.

ARTICLE 2

Touts actes d'hostilité, y compris la capture et l'exercice du droit de visite, commis par des vaisseaux de guerre belligérants dans les eaux territoriales d'une Puissance neutre, constituent une violation de la neutralité et sont strictement interdits.

ARTICLE 2

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent war-ships in the territorial waters of a neutral power, constitutes a violation of neutrality and is strictly forbidden.

ARTICLE 3

Quand un navire a été capturé dans les eaux territoriales d'une Puissance neutre, cette Puissance doit, si la prise est encore dans sa juridiction, user des moyens dont elle dispose pour que la prise soit relâchée avec ses officiers et son équipage, et pour que l'équipage mis à bord par le capteur soit interné.

Si la prise est hors de la juridiction de la Puissance neutre, le Gouvernement capteur, sur la

ARTICLE 3

When a ship has been captured in the territorial waters of a neutral power, this power must employ, if the prize is still within its jurisdiction, the means at its disposal to release the prize with its officers and crew, and to intern the prize crew.

If the prize is not in the jurisdiction of the neutral power, the captor government, on the de-

demande de celle-ci, doit relâcher la prise avec ses officiers et son équipage.

ARTICLE 4

Aucun tribunal des prises ne peut être constitué par un belligérant sur un territoire neutre ou sur un navire dans des eaux neutres.

ARTICLE 5

Il est interdit aux belligérants de faire des ports et des eaux neutres la base d'opérations navales contre leurs adversaires, notamment d'y installer des stations radio-télégraphiques ou tout appareil destiné à servir comme moyen de communication avec des forces belligérantes sur terre ou sur mer.

ARTICLE 6

La remise, à quelque titre que ce soit, faite directement ou indirectement par une Puissance neutre à une Puissance belligérante, de vaisseaux de guerre, de munitions, ou d'un matériel de guerre quelconque, est interdite.

ARTICLE 7

Une Puissance neutre n'est pas tenue d'empêcher l'exportation ou le transit, pour le compte de l'un ou de l'autre des belligérants, d'armes, de munitions, et, en général, de tout ce qui peut être utile à une armée ou à une flotte.

mand of that power, must liberate the prize with its officers and crew.

ARTICLE 4

A prize court can not be set up by a belligerent on neutral territory or on a vessel in neutral waters.

ARTICLE 5

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and in particular to erect wireless telegraphy stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

ARTICLE 6

The supply, in any manner, directly or indirectly, by a neutral power to a belligerent power, of war-ships, ammunition, or war material of any kind whatever, is forbidden.

ARTICLE 7

A neutral power is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunitions, or, in general, of anything which could be of use to an army or fleet.

ARTICLE 8

Un Gouvernement neutre est tenu d'user des moyens dont il dispose pour empêcher dans sa juridiction l'équipement ou l'armement de tout navire, qu'il a des motifs raisonnables de croire destiné à croiser ou à concourir à des opérations hostiles contre une Puissance avec laquelle il est en paix. Il est aussi tenu d'user de la même surveillance pour empêcher le départ hors de sa juridiction de tout navire destiné à croiser ou à concourir à des opérations hostiles, et qui aurait été, dans ladite juridiction, adapté en tout ou en partie à des usages de guerre.

ARTICLE 8

A neutral government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a power with which that government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

ARTICLE 9

Une Puissance neutre doit appliquer également aux deux belligérants les conditions, restrictions ou interdictions, édictées par elle pour ce qui concerne l'admission dans ses ports, rades ou eaux territoriales, des navires de guerre belligérants ou de leurs prises.

Toutefois, une Puissance neutre peut interdire l'accès de ses ports et de ses rades au navire belligérant qui aurait négligé de se conformer aux ordres et prescriptions édictés par elle ou qui aurait violé la neutralité.

ARTICLE 9

A neutral power must apply impartially to the two belligerents the conditions, restrictions, or prohibitions made by it in regard to the admission into its ports, roadsteads, or territorial waters, of belligerent war-ships or of their prizes.

Nevertheless, a neutral power may forbid a belligerent vessel which has failed to conform to the orders and regulations made by it, or which has violated neutrality, to enter its ports or roadsteads.

ARTICLE 10

La neutralité d'une Puissance

ARTICLE 10

The neutrality of a power is

n'est pas compromise par le simple passage dans ses eaux territoriales des navires de guerre et des prises des belligérants.

ARTICLE 11

Une Puissance neutre peut laisser les navires de guerre des belligérants se servir de ses pilotes brevetés.

ARTICLE 12

A défaut d'autres dispositions spéciales de la législation de la Puissance neutre, il est interdit aux navires de guerre des belligérants de demeurer dans les ports et rades ou dans les eaux territoriales de ladite Puissance, pendant plus de 24 heures, sauf dans les cas prévus par la présente Convention.

ARTICLE 13

Si une Puissance avisée de l'ouverture des hostilités apprend qu'un navire de guerre d'un belligérant se trouve dans un de ses ports et rades ou dans ses eaux territoriales, elle doit notifier audit navire qu'il devra partir dans les 24 heures ou dans le délai prescrit par la loi locale.

ARTICLE 14

Un navire de guerre belligérant ne peut prolonger son séjour dans un port neutre au delà de la durée légale que pour cause d'avaries ou à raison de l'état

not affected by the mere passage through its territorial waters of war-ships or prizes belonging to belligerents.

ARTICLE 11

A neutral power may allow belligerent war-ships to employ its licensed pilots.

ARTICLE 12

In the absence of special provisions to the contrary in the legislation of a neutral power, belligerent war-ships are not permitted to remain in the ports, roadsteads, or territorial waters of the said power for more than twenty-four hours, except in the cases covered by the present convention.

ARTICLE 13

If a power which has been informed of the outbreak of hostilities learns that a belligerent warship is in one of its ports or roadsteads, or in its territorial waters, it must notify the said ship to depart within twenty-four hours or within the time prescribed by local regulations.

ARTICLE 14

A belligerent war-ship may not prolong its stay in a neutral port beyond the permissible time except on account of damage or stress of weather. It must de-

de la mer. Il devra partir dès que la cause du retard aura cessé.

Les règles sur la limitation du séjour dans les ports, rades et eaux neutres, ne s'appliquent pas aux navires de guerre exclusivement affectés à une mission religieuse, scientifique ou philanthropique.

ARTICLE 15

A défaut d'autres dispositions spéciales de la législation de la Puissance neutre, le nombre maximum des navires de guerre d'un belligérant qui pourront se trouver en même temps dans un de ses ports ou rades, sera de trois.

ARTICLE 16

Lorsque des navires de guerre des deux parties belligérantes se trouvent simultanément dans un port ou une rade neutres, il doit s'écouler au moins 24 heures entre le départ du navire d'un belligérant et le départ du navire de l'autre.

L'ordre des départs est déterminé par l'ordre des arrivées, à moins que le navire arrivé le premier ne soit dans le cas où la prolongation de la durée légale du séjour est admise.

Un navire de guerre belligérant ne peut quitter un port ou une rade neutres moins de 24

part as soon as the cause of the delay is at an end.

The regulations as to the question of the length of time which these vessels may remain in neutral ports, roadsteads, or waters do not apply to war-ships devoted exclusively to religious, scientific or philanthropic purposes.

ARTICLE 15

In the absence of special provisions to the contrary in the legislation of a neutral power, the maximum number of war-ships belonging to a belligerent which may be in one of the ports or roadsteads of that power simultaneously shall be three.

ARTICLE 16

When war-ships belonging to both belligerents are present simultaneously in a neutral port or roadstead, a period of not less than twenty-four hours must elapse between the departure of the ship belonging to one belligerent and the departure of the ship belonging to the other.

The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

A belligerent war-ship may not leave a neutral port or roadstead until twenty-four hours after the

heures après le départ d'un navire de commerce portant le pavillon de son adversaire.

ARTICLE 17

Dans les ports et rades neutres, les navires de guerre belligérants ne peuvent réparer leurs avaries que dans la mesure indispensable à la sécurité de leur navigation et non pas accroître, d'une manière quelconque, leur force militaire. L'autorité neutre constatera la nature des réparations à effectuer qui devront être exécutées le plus rapidement possible.

ARTICLE 18

Les navires de guerre belligérants ne peuvent pas se servir des ports, rades et eaux territoriales neutres, pour renouveler ou augmenter leurs approvisionnements militaires ou leur armement ainsi que pour compléter leurs équipages.

ARTICLE 19

Les navires de guerre belligérants ne peuvent se ravitailler dans les ports et rades neutres que pour compléter leur approvisionnement normal du temps de paix.

Ces navires ne peuvent, de même, prendre du combustible que pour gagner le port le plus proche de leur propre pays. Ils peuvent, d'ailleurs, prendre le

departure of a merchant ship flying the flag of its adversary.

ARTICLE 17

In neutral ports and roadsteads belligerent war-ships may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting force. The local authorities of the neutral power shall decide what repairs are necessary, and these must be carried out with the least possible delay.

ARTICLE 18

Belligerent war-ships may not make use of neutral ports, roadsteads, and territorial waters, for replenishing or increasing their supplies of war material or their armament, or for completing their crews.

ARTICLE 19

Belligerent war-ships may only revictual in neutral ports or roadsteads to bring up their supplies to the peace standard.

Similarly these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country. They may, on the other hand, fill

combustible nécessaire pour compléter le plein de leurs soutes proprement dites, quand ils se trouvent dans les pays neutres qui ont adopté ce mode de détermination du combustible à fournir.

Si, d'après la loi de la Puissance neutre, les navires ne reçoivent du charbon que 24 heures après leur arrivée, la durée légale de leur séjour est prolongée de 24 heures.

ARTICLE 20

Les navires de guerre belligérants, qui ont pris du combustible dans le port d'une Puissance neutre, ne peuvent renouveler leur approvisionnement qu'après trois mois dans un port de la même Puissance.

ARTICLE 21

Une prise ne peut être amenée dans un port neutre que pour cause d'innavigabilité, de mauvais état de la mer, de manque de combustible ou de provisions.

Elle doit repartir aussitôt que la cause qui en a justifié l'entrée a cessé. Si elle ne le fait pas, la Puissance neutre doit lui notifier l'ordre de partir immédiatement; au cas où elle ne s'y conformerait pas, la Puissance neutre doit user des moyens dont elle dispose pour la relâcher avec ses officiers et son équipage et interner l'équipage mis à bord par le capteur.

up their bunkers built to carry fuel, when in neutral countries which have adopted this method of determining the amount of fuel to be supplied.

If, in accordance with the law of the neutral power, the ships are not supplied with coal within twenty-four hours of their arrival, the permissible duration of their stay is extended by twenty-four hours.

ARTICLE 20

Belligerent war-ships which have shipped fuel in a port belonging to a neutral power may not within the succeeding three months replenish their supply in a port of the same power.

ARTICLE 21

A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisions.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral power must order it to leave at once; should it fail to obey, the neutral power must employ the means at its disposal to release it with its officers and crew and to intern the prize crew.

ARTICLE 22

La Puissance neutre doit, de même, relâcher la prise qui aurait été amenée en dehors des conditions prévues par l'article 21.

ARTICLE 23

Une Puissance neutre peut permettre l'accès de ses ports et rades aux prises escortées ou non, lorsqu'elles y sont amenées pour être laissées sous sequestre en attendant la décision du tribunal des prises. Elle peut faire conduire la prise dans un autre de ses ports.

Si la prise est escortée par un navire de guerre, les officiers et les hommes mis à bord par le capteur sont autorisés à passer sur le navire d'escorte.

Si la prise voyage seule, le personnel placé à son bord par le capteur est laissé en liberté.

ARTICLE 24

Si, malgré la notification de l'autorité neutre, un navire de guerre belligérant ne quitte pas un port dans lequel il n'a pas le droit de rester, la Puissance neutre a le droit de prendre les mesures qu'elle pourra juger nécessaires pour rendre le navire incapable de prendre la mer pendant la durée de la guerre et le commandant du navire doit faciliter l'exécution de ces mesures.

ARTICLE 22

A neutral power must, similarly, release a prize brought into one of its ports under circumstances other than those referred to in article 21.

ARTICLE 23

A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

If the prize is convoyed by a war-ship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

ARTICLE 24

If, notwithstanding the notification of the neutral power, a belligerent ship of war does not leave a port where it is not entitled to remain, the neutral power is entitled to take such measures as it considers necessary to render the ship incapable of taking the sea during the war, and the commanding officer of the ship must facilitate the execution of such measures.

Lorsqu'un navire belligérant est retenu par une Puissance neutre, les officiers et l'équipage sont également retenus.

Les officiers et l'équipage ainsi retenus peuvent être laissés dans le navire ou logés, soit sur un autre navire, soit à terre, et ils peuvent être assujettis aux mesures restrictives qu'il paraîtrait nécessaire de leur imposer. Toutefois, on devra toujours laisser sur le navire les hommes nécessaires à son entretien.

Les officiers peuvent être laissés libres en prenant l'engagement sur parole de ne pas quitter le territoire neutre sans autorisation.

ARTICLE 25

Une Puissance neutre est tenue d'exercer la surveillance, que comportent les moyens dont elle dispose, pour empêcher dans ses ports ou rades et dans ses eaux toute violation des dispositions qui précèdent.

ARTICLE 26

L'exercice par une Puissance neutre des droits définis par la présente Convention ne peut jamais être considéré comme un acte peu amical par l'un ou par l'autre belligérant qui a accepté les articles qui s'y réfèrent.

ARTICLE 27

Les Puissances contractantes se communiqueront réciproque-

When a belligerent ship is detained by a neutral power, the officers and crew are likewise detained.

The officers and crew thus detained may be left in the ship or kept either on another vessel or on land, and may be subjected to the measures of restriction which it may appear necessary to impose upon them. A sufficient number of men for looking after the vessel must, however, be always left on board.

The officers may be left at liberty on giving their word not to quit the neutral territory without permission.

ARTICLE 25

A neutral power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above articles occurring in its ports or roadsteads or in its waters.

ARTICLE 26

The exercise by a neutral power of the rights laid down in the present convention can under no circumstances be considered as an unfriendly act by one or other belligerent who has accepted the article relating thereto.

ARTICLE 27

The contracting powers shall communicate to each other in due

ment, en temps utile, toutes les lois, ordonnances et autres dispositions réglant chez elles le régime des navires de guerre belligérants dans leurs ports et leurs eaux, au moyen d'une notification adressée au Gouvernement des Pays-Bas et transmise immédiatement par celui-ci aux autres Puissances contractantes.

course all laws, proclamations, and other enactments regulating in their respective countries the status of belligerent war-ships in their ports and waters, by means of a communication addressed to the Government of the Netherlands, and forwarded immediately by that Government to the other contracting powers.

ARTICLE 28

Les dispositions de la présente Convention ne sont applicables qu'entre les Puissances contractantes et seulement si les belligérants sont tous parties à la Convention.

ARTICLE 28

The provisions of the present convention do not apply except to the contracting powers, and then only if all the belligerents are parties to the convention.

ARTICLE 29

La présente Convention sera ratifiée aussitôt que possible.

Les ratifications seront déposées à La Haye.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des Puissances qui y prennent part et par le Ministre des Affaires Étrangères des Pays-Bas.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et accompagnée de l'instrument de ratification.

Copie certifiée conforme du procès-verbal relatif au premier

ARTICLE 29

The present convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the representatives of the powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first

dépôt de ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification, sera immédiatement remise par les soins du Gouvernement des Pays-Bas et par la voie diplomatique aux Puissances conviées à la Deuxième Conférence de la Paix, ainsi qu'aux autres Puissances qui auront adhéré à la Convention. Dans les cas visés par l'alinéa précédent, ledit Gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 30

Les Puissances non signataires sont admises à adhérer à la présente Convention.

La Puissance qui désire adhérer notifie par écrit son intention au Gouvernement des Pays-Bas en lui transmettant l'acte d'adhésion qui sera déposé dans les archives dudit Gouvernement.

Ce Gouvernement transmettra immédiatement à toutes les autres Puissances copie certifiée conforme de la notification ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification.

ARTICLE 31

La présente Convention produira effet pour les Puissances qui

deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the powers invited to the Second Peace Conference, as well as to the other powers which have adhered to the convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE 30

Nonsignatory powers may adhere to the present convention.

The power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE 31

The present convention shall come into force, in the case of the

auront participé au premier dépôt des ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les Puissances qui ratifieront ultérieurement ou qui adhèreront, soixante jours après que la notification de leur ratification ou de leur adhésion aura été reçu par le Gouvernement des Pays-Bas.

ARTICLE 32

S'il arrivait qu'une des Puissances contractantes voulût dénoncer la présente Convention, la dénonciation sera notifiée par écrit au Gouvernement des Pays-Bas qui communiquera immédiatement copie certifiée conforme de la notification à toutes les autres Puissances en leur faisant savoir la date à laquelle il l'a reçue.

La dénonciation ne produira ses effets qu'a l'égard de la Puissance qui l'aura notifiée et un an après que la notification en sera parvenue au Gouvernement des Pays-Bas.

ARTICLE 33

Un registre tenu par le Ministère des Affaires Étrangères des Pays-Bas indiquera la date du dépôt de ratifications effectué en vertu de l'article 29 alinéas 3 et 4, ainsi que la date à laquelle auront été reçues les notifications d'adhésion (article 30 alinéa 2)

powers which were a party to the first deposit of the ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the powers who ratify subsequently or who adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE 32

In the event of one of the contracting powers wishing to denounce the present convention, the denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a duly certified copy of the notification to all the other powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has been made to the Netherland Government.

ARTICLE 33

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made by virtue of article 29, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (article 30, para-

ou de dénonciation (article 32 alinéa 1).

Chaque Puissance contractante est admise à prendre connaissance de ce registre et à en demander des extraits certifiés conformes.

En foi de quoi, les Plénipotentiaires ont revêtu la présente Convention de leurs signatures.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances qui ont été conviées à la Deuxième Conférence de la Paix.[1]

graph 2) or of denunciation (article 32, paragraph 1) have been received.

Each contracting power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the powers which have been invited to the Second Peace Conference.[1]

[1] On April 17, 1908, the Senate of the United States, in executive session, advised and consented as follows to the ratification of the convention concerning the rights and duties of neutral powers in naval war, signed October 18, 1907:

"reserving and excluding, however, article 23 thereof, which is in the following words:

"'A neutral power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a prize court. It may have the prize taken to another of its ports.

"'If the prize is convoyed by a war-ship, the prize crew may go on board the convoying ship.

"'If the prize is not under convoy, the prize crew are left at liberty.'

"*Resolved further*, That the United States adheres to this convention with the understanding that the last clause of article 3 implies the duty of a neutral power to make the demand therein mentioned for the return of a ship captured within the neutral jurisdiction and no longer within that jurisdiction." — EDITOR.

DECLARATION RELATIVE À L'INTERDICTION DE LANCER DES PROJECTILES ET DES EXPLOSIFS DU HAUT DE BALLONS

Les soussignés, Plénipotentiaires des Puissances conviées à la Deuxième Conférence Internationale de la Paix à La Haye, dûment autorisés à cet effet par leurs Gouvernements,

s'inspirant des sentiments qui ont trouvé leur expression dans la Déclaration de St. Pétersbourg du $\frac{29 \text{ novembre}}{11 \text{ décembre}}$ 1868, et désirant renouveler la déclaration de La Haye du 29 juillet 1899, arrivée à expiration,

Déclarent:

Les Puissances contractantes consentent, pour une période allant jusqu'à la fin de la Troisième Conférence de la Paix, à l'interdiction de lancer des projectiles et des explosifs du haut de ballons ou par d'autres modes analogues nouveaux.

La présente Déclaration n'est obligatoire que pour les Puissances contractantes, en cas de guerre entre deux ou plusieurs d'entre elles.

Elle cessera d'être obligatoire du moment où, dans une guerre entre des Puissances contractantes, une Puissance non contractante se joindrait à l'un des belligérants.

DECLARATION PROHIBITING THE DISCHARGE OF PROJECTILES AND EXPLOSIVES FROM BALLOONS

The undersigned, plenipotentiaries of the powers invited to the Second International Peace Conference at The Hague, duly authorized to that effect by their governments,

Inspired by the sentiments which found expression in the declaration of St. Petersburg of the 29th November (11th December), 1868, and being desirous of renewing the declaration of The Hague of the 29th July, 1899, which has now expired,

Declare:

The contracting powers agree to prohibit, for a period extending to the close of the Third Peace Conference, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

The present declaration is only binding on the contracting powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the contracting powers, one of the belligerents is joined by a noncontracting power.

La présente Déclaration sera ratifiée dans le plus bref délai possible.

Les ratifications seront déposées à La Haye.

Il sera dressé du dépôt des ratifications un procès-verbal, dont une copie, certifiée conforme, sera remise par la voie diplomatique à toutes les Puissances contractantes.

Les Puissances non signataires pourront adhérer à la présente Déclaration. Elles auront, à cet effet, à faire connaître leur adhésion aux Puissances contractantes, au moyen d'une notification écrite, adressée au Gouvernement des Pays-Bas et communiquée par celui-ci à toutes les autres Puissances contractantes.

S'il arrivait qu'une des Hautes Parties Contractantes dénonçât la présente Déclaration, cette dénonciation ne produirait ses effets qu'un an après la notification faite par écrit au Gouvernement des Pays-Bas et communiquée immédiatement par celui-ci à toutes les autres Puissances contractantes.

Cette dénonciation ne produira ses effets qu'à l'égard de la Puissance qui l'aura notifiée.

En foi de quoi, les Plénipotentiaires ont revêtue la présente Déclaration de leurs signatures.

The present declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of the ratifications, of which a duly certified copy shall be sent, through the diplomatic channel, to all the contracting powers.

Nonsignatory powers may adhere to the present declaration. To do so, they must make known their adhesion to the contracting powers by means of a written notification, addressed to the Netherland Government, and communicated by it to all the other contracting powers.

In the event of one of the high contracting parties denouncing the present declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other contracting powers.

This denunciation shall only have effect in regard to the notifying power.

In faith whereof the plenipotentiaries have appended their signatures to the present declaration.

Fait à La Haye, le dix-huit octobre mil neuf cent sept, en un seul exemplaire qui restera déposé dans les archives du Gouvernement des Pays-Bas et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances contractantes.[1]

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the contracting powers.[1]

[1] On March 12, 1908, the Senate of the United States, in executive session, advised and consented to the ratification of the declaration prohibiting the discharge of projectiles and explosives from balloons, signed October 18, 1907. — EDITOR.

Tableau des États Signataires des Conventions de la Deuxième Conférence de la Paix, 1907
(Jusqu'au 30 Juin, 1908)

Date où, en vertu de l'Acte final, expire le délai réservé pour la signature des instruments, à l'exception toutefois de la Convention XII

S = signé
R = réserve

	I Convention pour le règlement pacifique des conflits internationaux.	II Convention concernant la limitation de l'emploi de la force pour le recouvrement des dettes contractuelles.	III Convention relative à l'ouverture des hostilités.	IV Convention concernant les lois et coutumes de la guerre sur terre.	V Convention concernant les droits et les devoirs des Puissances et des Personnes neutres en cas de guerre sur terre.	VI Convention relative au régime des navires de commerce ennemis au début des hostilités.	VII Convention relative à la transformation des navires de commerce en bâtiments de guerre.
1. Allemagne	S	S	S	S R	S	S R	S
2. Amérique (Etats-Unis d')	S R	S	S	S	S		
3. Argentine	S	S R	S	S	S R	S	S
4. Autriche-Hongrie	S	S	S	S R	S	S	S
5. Belgique	S		S	S	S	S	S
6. Bolivie	S	S R	S	S	S	S	S
7. Brésil	S R		S	S	S	S	S
8. Bulgarie	S	S	S	S	S	S	S
9. Chili	S R	S	S	S	S	S	S
10. Chine	S						
11. Colombie	S	S R	S	S	S	S	S
12. Cuba	S	S	S	S	S	S	S
13. Danemark	S	S	S	S	S	S	S
14. Dominicaine (République)	S	S R	S	S	S	S	
15. Equateur	S	S R	S	S	S	S	S
16. Espagne	S	S	S		S	S	S
17. France	S	S	S	S	S	S	S
18. Grande-Bretagne	S	S	S	S	S R	S	S
19. Grèce	S R	S R	S	S	S	S	S
20. Guatémala	S	S R	S	S	S	S	S
21. Haïti	S	S	S	S	S	S	S
22. Italie	S	S	S	S	S	S	S
23. Japon	S R	S	S	S R	S	S	S
24. Luxembourg	S		S	S	S	S	S
25. Mexique	S	S	S	S	S	S	S
26. Monténégro	S	S	S	S R	S	S	S
27. Nicaragua							
28. Norvège	S	S	S	S	S	S	S
29. Panama	S	S	S	S	S	S	S
30. Paraguay	S	S	S	S	S	S	S
31. Pays-Bas	S	S	S	S	S	S	S
32. Pérou	S	S R	S	S	S	S	S
33. Perse	S	S	S	S	S	S	S
34. Portugal	S	S	S	S	S	S	S
35. Roumanie	S R		S	S	S	S	S
36. Russie	S	S	S	S R	S	S R	S
37. Salvador	S	S R	S	S	S	S	S
38. Serbie	S	S	S	S	S	S	S
39. Siam	S		S	S	S	S	S
40. Suède	S		S	S	S	S	S
41. Suisse	S R		S	S	S	S	S
42. Turquie	S R	S	S	S R	S	S	S R
43. Uruguay	S	S R	S	S	S	S	
44. Vénézuéla	S		S	S	S	S	S

Table of Signatures Appended to the Hague Conference Conventions of 1907, *and also of the Reservations Made* (*To June* 30, 1908)

Date fixed by the final act, for the expiration of the delay for the signing of the instruments, with the exception of Convention XII

	I Convention for the pacific settlement of international controversies.	II Convention concerning the limitation of the employment of force for the recovery of contract debts.	III Convention relating to the opening of hostilities.	IV Convention concerning the laws and customs of war on land.	V Convention concerning the rights and duties of neutral powers and persons in case of war on land.	VI Convention relating to the treatment of hostile merchant vessels at the beginning of hostilities.	VII Convention relating to the transformation of merchant vessels into war vessels.
S = signed R = reserved							
1. Germany	S	S	S	S R	S	S R	S
2. United States of America	S R	S	S	S	S		
3. Argentina	S	S R	S	S	S R	S	S
4. Austria-Hungary	S	S	S	S R	S	S	S
5. Belgium	S		S	S	S	S	S
6. Bolivia	S	S R	S	S	S	S	S
7. Brazil	S R		S	S	S	S	S
8. Bulgaria	S	S	S	S	S	S	S
9. Chile	S R	S	S	S	S	S	S
10. China	S						
11. Colombia	S	S R	S	S	S	S	S
12. Cuba	S	S	S	S	S	S	S
13. Denmark	S	S	S	S	S	S	S
14. Dominican Republic	S	S R	S	S	S	S	
15. Ecuador	S	S R	S	S	S	S	S
16. Spain	S	S	S		S	S	S
17. France	S	S	S	S	S	S	S
18. Great Britain	S	S	S	S	S R	S	S
19. Greece	S R	S R	S	S	S	S	S
20. Guatemala	S	S R	S	S	S	S	S
21. Haiti	S	S	S	S	S	S	S
22. Italy	S	S	S	S	S	S	S
23. Japan	S R	S	S	S R	S	S	S
24. Luxembourg	S		S	S	S	S	S
25. Mexico	S	S	S	S	S	S	S
26. Montenegro	S	S	S	S R	S	S	S
27. Nicaragua							
28. Norway	S	S	S	S	S	S	S
29. Panama	S	S	S	S	S	S	S
30. Paraguay	S	S	S	S	S	S	S
31. Netherlands	S	S	S	S	S	S	S
32. Peru	S	S R	S	S	S	S	S
33. Persia	S	S	S	S	S	S	S
34. Portugal	S	S	S	S	S	S	S
35. Roumania	S R		S	S	S	S R	S
36. Russia	S	S	S	S R	S	S	S
37. Salvador	S	S R	S	S	S	S	S
38. Servia	S	S	S	S	S	S	S
39. Siam	S		S	S	S	S	S
40. Sweden	S		S	S	S	S	S
41. Switzerland	S R		S	S	S	S	S R
42. Turkey	S R	S	S	S R	S	S	
43. Uruguay	S	S R	S	S	S	S	S
44. Venezuela	S						

Tableau des États Signataires des Conventions de la Deuxième Conférence de la Paix, 1907 (*Jusqu'au 30 Juin*, 1908) — Suite

Date où, en vertu de l'Acte final, expire le délai réservé pour la signature des instruments, à l'exception toutefois de la Convention XII

S = signé R = réserve	VIII Convention relative à la pose de mines sous-marines automatiques de contact.	IX Convention concernant le bombardement par des forces navales en temps de guerre.	X Convention pour l'adaptation à la guerre maritime des principes de la Convention de Genève.	XI Convention relative à certaines restrictions à l'exercice du droit de capture dans la guerre maritime.	XII Convention relative à l'établissement d'une Cour internationale des prises.	XIII Convention concernant les droits et les devoirs des Puissances neutres en cas de guerre maritime.	XIV Déclaration relative à l'interdiction de lancer des projectiles des explosifs du haut de ballons.	XV L'acte final.
1. Allemagne	S R	S R	S	S	S	S R		S
2. Amérique (Etats-Unis)	S	S	S	S	S		S	S
3. Argentine	S	S	S	S	S	S	S	S
4. Autriche-Hongrie	S	S	S	S	S	S	S	S
5. Belgique	S	S	S	S	S	S	S	S
6. Bolivie	S	S	S	S	S	S	S	S
7. Brésil	S	S	S	S		S	S	S
8. Bulgarie	S	S	S	S	S	S	S	S
9. Chili	S	S R	S	S	S R	S		S
10. Chine			S R				S	S
11. Colombie	S	S	S	S	S	S	S	S
12. Cuba	S	S	S	S	S R		S	S
13. Danemark	S	S	S	S	S	S		S
14. Dominicaine (République)	S R	S	S	S		S R	S	S
15. Equateur	S	S	S	S	S R	S	S	S
16. Espagne			S	S	S			S
17. France	S R	S R	S	S	S	S		S
18. Grande-Bretagne	S R	S R	S R	S		S R	S	S
19. Grèce	S	S	S	S		S	S	S
20. Guatémala	S	S	S	S	S R	S		S
21. Haïti	S	S	S	S	S R	S	S	S
22. Italie	S	S	S	S	S	S		S
23. Japon	S	S R	S	S		S R		S
24. Luxembourg	S	S	S	S		S	S	S
25. Mexique	S	S	S	S	S	S		S
26. Monténégro		S	S			S		S
27. Nicaragua								S
28. Norvège	S	S	S	S	S	S	S	S
29. Panama	S	S	S	S	S	S	S	S
30. Paraguay	S	S	S	S	S	S		
31. Pays-Bas	S	S	S	S	S	S	S	S
32. Pérou	S	S	S	S	S	S	S	S
33. Perse	S	S	S R	S	S R	S R	S	S
34. Portugal		S	S	S	S	S	S	S
35. Roumanie	S	S	S	S		S		S
36. Russie		S	S			S		S
37. Salvador	S	S	S	S	S R	S	S	S
38. Serbie	S	S	S	S		S		S
39. Siam	S R	S	S	S	S R	S R	S	S
40. Suède		S	S	S	S	S		S
41. Suisse	S	S	S	S	S	S	S	S R
42. Turquie	S R	S	S R	S	S R	S R	S	S
43. Uruguay	S	S	S	S	S R	S	S	S
44. Vénézuéla	S	S	S	S		S		S

Table of Signatures Appended to the Hague Conference Conventions of 1907, *and also of the Reservations Made* (*To June* 30, 1908) — Continued

Date fixed by the final act, for the expiration of the delay for the signing of the instruments, with the exception of Convention XII

S = signed R = reserved	VIII Convention relating to the laying of automatic submarine contact mines.	IX Convention concerning bombardment by naval forces in time of war.	X Convention for the adaptation of the principles of the Geneva Convention to maritime warfare.	XI Convention relating to certain restrictions in the exercise of the right of capture in maritime war.	XII Convention relative to the establishment of an International Prize Court.	XIII Convention concerning the rights and duties of neutral powers in case of maritime war.	XIV Declaration relative to prohibiting the throwing down of projectiles and explosives from balloons.	XV The final act.
1. Germany	S R	S R	S	S	S	S R		S
2. United States of America	S	S	S	S	S		S	S
3. Argentina	S	S	S	S	S	S	S	S
4. Austria-Hungary	S	S	S	S	S	S	S	S
5. Belgium	S	S	S	S	S	S	S	S
6. Bolivia	S	S	S	S	S	S	S	S
7. Brazil	S	S	S	S		S	S	S
8. Bulgaria	S	S	S	S	S	S	S	S
9. Chile	S	S R	S	S	S R	S		S
10. China			S R				S	S
11. Colombia	S	S	S	S	S	S	S	S
12. Cuba	S	S	S	S	S R		S	S
13. Denmark	S	S	S	S	S	S		S
14. Dominican Republic	S R	S	S	S		S R	S	S
15. Ecuador	S	S	S	S	S R	S	S	S
16. Spain			S	S	S			S
17. France	S R	S R	S	S	S	S		S
18. Great Britain	S R	S R	S R	S		S R	S	S
19. Greece	S	S	S	S		S	S	S
20. Guatemala	S	S	S	S	S R	S		S
21. Haiti	S	S	S	S	S R	S	S	S
22. Italy	S	S	S	S	S	S		S
23. Japan	S	S R	S	S		S R		S
24. Luxembourg	S	S	S	S		S	S	S
25. Mexico	S	S	S	S	S	S		S
26. Montenegro		S	S			S		S
27. Nicaragua								S
28. Norway	S	S	S	S	S	S	S	S
29. Panama	S	S	S	S	S	S	S	S
30. Paraguay	S	S	S	S	S	S		
31. Netherlands	S	S	S	S	S	S	S	S
32. Peru	S	S	S	S	S	S	S	S
33. Persia	S	S	S R	S	S R	S R	S	S
34. Portugal		S	S	S	S	S	S	S
35. Roumania	S	S	S	S		S		S
36. Russia		S	S			S		S
37. Salvador	S	S	S	S	S R	S	S	S
38. Servia	S	S	S	S		S		S
39. Siam	S R	S	S	S	S R	S R	S	S
40. Sweden		S	S	S	S	S		S
41. Switzerland	S	S	S	S	S	S	S	S R
42. Turkey	S R	S	S R	S	S R	S R	S	S
43. Uruguay	S	S	S	S	S R	S	S	S
44. Venezuela	S	S	S	S		S		S

RÉSERVES

I.[1] Amérique. — Sous réserve de la Déclaration faite dans la séance plénière de la Conférence du 16 octobre 1907.

Brésil. — Avec réserve sur l'article 53 alinéas 2, 3, et 4.

Chili. — Sous la réserve de la Déclaration, formulée à propos de l'article 39 dans la 7ème séance du 7 octobre de la première Commission.

Grèce. — Avec la réserve de l'alinéa 2 de l'article 53.

Japon. — Avec réserves des alinéas 3 et 4 de l'article 48, de l'alinéa 2 de l'article 53 et de l'article 54.

Roumanie. — Avec les mêmes réserves formulées par les plénipotentiaires roumains à la signature de la convention pour le règlement pacifique des conflits internationaux du 29 juillet 1899.

Suisse. — Sous réserve de l'article 53, chiffre 2°.

Turquie. — Sous réserve des déclarations portées au procès-verbal de la 9e sé-

RESERVATIONS

I.[1] America. — Under reservation of the declaration made in the plenary session of the Conference of October 16, 1907.

Brazil. — With reservation as to article 53, paragraphs 2, 3, and 4.

Chile. — Under reservation of the declaration formulated with regard to article 39 in the seventh session of October 7 of the First Commission.

Greece. — With reservation of paragraph 2 of article 53.

Japan. — With reservation of paragraphs 3 and 4 of article 48, paragraph 2 of article 53, and of article 54.

Roumania. — With the same reservations formulated by the Roumanian plenipotentiaries in signing the Convention for the pacific settlement of international controversies of July 29, 1899.

Switzerland. — Under reservation of article 53, number 2.

Turkey. — Under reservation of the declarations inserted in the procès-ver-

[1] The Roman numerals refer to the numbers of the conventions as listed in the Final Act, pp. 135–137.

ance plénière de la conférence du 16 octobre 1907.

II. Argentine. — La République Argentine fait les réserves suivantes:

1. En ce qui concerne les dettes provenant de contrats ordinaires entre le ressortissant d'une nation et un gouvernement étranger, on n'aura recours à l'arbitrage que dans le cas spécifique de déni de justice par les juridictions du pay du contrat, qui doivent être préalablement épuisés.

2. Les emprunts publics, avec émission de bons, constituant la dette nationale, ne pourront donner lieu, en aucun cas, à l'agression militaire ni à l'occupation matérielle du sol des nations américaines.

Bolivie. — Sous la réserve exprimée à la première Commission.

Colombie. — La Colombie fait les réserves suivantes: Elle n'accepte pas en aucun cas l'emploi de la force pour le récouvrement des dettes quelque soit leur nature. Elle n'accepte pas l'arbitrage

bal of the ninth plenary session of the conference of October 16, 1907.

II. Argentina. — The Argentine Republic makes the following reservations:

1. With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign government, recourse shall not be had to arbitration except in the specific case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.

2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.

Bolivia. — Under the reservation stated to the First Commission.

Colombia. — Colombia makes the following reservations: She does not agree to the employment of force in any case for the recovery of debts, whatever be their nature. She accepts arbitration only after a final

qu'après décision définitive des Tribunaux des Pay débiteurs.

République Dominicaine. — Avec la réserve faite dans la séance plénière du 16 octobre 1907.

Equateur. — Avec les réserves faites dans la séance plénière du 16 octobre 1907.

Grèce. — Avec la réserve faite dans la séance plénière du 16 octobre 1907.

Guatémala. — 1. En ce qui concerne les dettes provenant de contrats ordinaires entre les ressortissants d'une nation et un gouvernement étranger on n'aura recours à l'arbitrage que dans le cas de dénégation de justice par les juridictions du pays du contrat, qui doivent être préalablement épuisés.

2. Les emprunts publics avec émission de bons constituant des dettes nationales ne pourront donner lieu, en aucun cas, à l'agression militaire ni à l'occupation matérielle du sol des nations américaines.

Pérou. — Sous la réserve que les principes établis dans

decision has been rendered by the courts of the debtor nations.

Dominican Republic. — With the reservation made at the plenary session of October 16, 1907.

Ecuador. — With the reservations made at the plenary session of October 16, 1907.

Greece. — With the reservation made at the plenary session of October 16, 1907.

Guatemala. — 1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign government, recourse shall be had to arbitration only in case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.

2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.

Peru. — Under the reservation that the principles laid

cette convention ne pourront pas s'appliquer à des réclamations ou différends provenant de contrats passés par un pays avec des sujets étrangers lorsque dans ces contrats il aura été expressément stipulé que les réclamations ou differends devront être soumis aux juges et tribunaux du pays.

Salvador. — Nous faisons les mêmes réserves que la République Argentine ci-dessus.

Uruguay. — Sous réserve du second alinéa de l'article premier, parce que la Délégation considère que le refus de l'arbitrage pourra se faire toujours de plein droit si la loi fondementale du pays débiteur, antérieure au contrat qui a originé les doutes ou contestations, ou ce contrat même, a établi que ces doutes ou contestations seront décidées par les tribunaux du dit pays.

IV. Allemagne. — Sous réserve de l'article 44 du règlement annexé.

Autriche-Hongrie. — Sous réserve de la déclaration faite dans la séance pléni-

down in this Convention shall not be applicable to claims or differences arising from contracts concluded by a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.

Salvador. — We make the same reservations as the Argentine Republic above.

Uruguay. — Under reservation of the second paragraph of article 1, because the Delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.

IV. Germany. — Under reservation of article 44 of the annexed Regulations.

Austria-Hungary. — Under reservation of the declaration made at the plenary

ère de la Conférence du 17 août 1907.

Japon. — Avec réserve de l'article 44.

Monténégro. — Sous réserves formulées à l'article 44 du Règlement annexé à la présente Convention et consignées au procès-verbal de la quatrième séance plénière du 17 août 1907.

Russie. — Sous réserves formulées à l'article 44 du Règlement annexé à la présente Convention, et consignées au procès-verbal de la quatrième séance plénière du 17 août 1907.

Turquie. — Sous réserve de l'article 3.

V. Argentine. — La République Argentine fait réserve de l'article 19.

Grande Bretagne. — Sous réserve des articles 16, 17, et 18.

VI. Allemagne. — Sous réserve de l'article 3 et de l'article 4, alinéa 2.

Russie. — Sous réserves formulées à l'article 3 et à l'article 4 alinéa 2 de la présente Convention et consignées au procès-verbal de la session of the Conference of August 17, 1907.

Japan. — With reservation as to article 44.

Montenegro. — Under the reservations formulated in article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

Russia. — Under the reservations formulated in article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

Turkey. — Under reservation of article 3.

V. Argentina. — The Argentine Republic makes reservation of Article 19.

Great Britain. — Under reservation of articles 16, 17, and 18.

VI. Germany. — Under reservation of article 3 and of article 4, paragraph 2.

Russia. — Under the reservations formulated in article 3 and article 4, paragraph 2, of the present Convention, and embodied in the minutes

tième séance plénière du 27 septembre 1907.

VII. Turquie. — Sous réserve de la déclaration faite à la 8e séance plénière de la Conférence du 9 octobre 1907.

VIII. Allemagne. — Sous réserve de l'article 2.

République Dominicaine. — Avec réserve sur l'alinéa premier de l'article premier.

France. — Sous réserve de l'article II.

Grande Bretagne. — Sous réserve de la déclaration suivante: "En apposant leurs signatures à cette Convention, les plénipotentiaires britaniques déclarent que le simple fait que la dite convention ne défend tel acte ou tel procédé, ne doit pas être considéré comme privant le Gouvernement de Sa Majesté Britannique du droit de contester la légalité dudit acte ou procédé."

Siam. — Sous réserve de l'article, 1 alinéa 1.

Turquie. — Sous réserves des déclarations con-

of the seventh plenary session of September 27, 1907.

VII. Turkey. — Under reservation of the declaration made at the eighth plenary session of the Conference of October 9, 1907.

VIII. Germany. — Under reservation of article 2.

Dominican Republic. — With reservation as to the first paragraph of article 1.

France. — Under reservation of article II.

Great Britain. — Under reservation of the following declaration: "In affixing their signatures to this Convention the British plenipotentiaries declare that the mere fact that the said Convention does not prohibit a particular act or proceeding, is not to be considered as depriving the Government of His Britannic Majesty of the right to contest the legality of the said act or proceeding.

Siam. — Under reservation of article 1, paragraph 1.

Turkey. — Under reservation of the declarations

signées au procès-verbal de la 8e séance plénière de la Conférence du 9 octobre 1907.

IX. Allemagne. — Sous réserve de l'article I, alinéa 2.

Chili. — Sous la réserve de l'article 3 formulée dans la quatrième séance plénière du 17 août.

France. — Sous réserve du deuxième alinéa de l'article I.

Grande Bretagne. — Sous réserve du second alinéa de l'article I.

Japon. — Avec réserve de l'alinéa 2 de l'article premier.

X. Chine. — Sous réserve de l'article 21.

Grande Bretagne. — Sous réserve des articles 6 et 21 et de la déclaration suivante: "En apposant leurs signatures à cette convention, les plénipotentiaires britanniques déclarent que le Gouvernement de Sa Majesté entend que l'application de l'article 12 se borne au seul cas des combattants recueillis pendant ou après un combat naval auquel ils auront pris part."

inserted in the procès-verbal of the eighth plenary session of the Conference of October 9, 1907.

IX. Germany. — Under reservation of article I, paragraph 2.

Chile. — Under reservation of article 3, formulated during the fourth plenary session of August 17.

France. — Under reservation of the second paragraph of article I.

Great Britain. — Under reservation of the second paragraph of article I.

Japan. — With reservation of the second paragraph of the first article.

X. China. — Under reservation of article 21.

Great Britain. — Under reservation of articles 6 and 21 and of the following declaration: "In affixing their signatures to this Convention, the British plenipotentiaries declare that His Majesty's Government understands that the application of article 12 is confined to the case of combatants taken on board during or after a naval combat in which they have taken part.

Perse. — Sous réserve du droit reconnu par la Conférence de l'emploi du Lion et du Soleil rouge au lieu et à la place de la Croix rouge.

Turquie. — Sous réserve du droit reconnu par la Conférence de la Paix de l'emploi du Croissant Rouge.

XII. Chili. — Sous la réserve de l'article 15, formulée à la sixième séance plénière du 21 septembre.

Cuba. — Sous réserve de l'article 15.

Equateur. — Sous réserve de l'article XV.

Guatémala. — Sous les réserves formulées concernant l'article 15.

Haïti. — Avec la réserve relative à l'article 15.

Perse. — Sous réserve de l'article 15.

Salvador. — Sous réserve de l'article 15.

Siam. — Sous réserve de l'article 15.

Turquie. — Sous réserve de l'article 15.

Uruguay. — Sous réserve de l'article 15.

XIII. Allemagne. — Sous réserve des articles 11, 12, 13, et 20.

Persia. — Under reservation of the right, recognized by the Conference to use the Lion and Red Sun instead of and in the place of the Red Cross.

Turkey. — Under reservation of the right recognized by the Peace Conference to employ the Red Crescent.

XII. Chile. — Under reservation of article 15, formulated at the sixth plenary session of September 21.

Cuba. — Under reservation of article 15.

Ecuador. — Under reservation of article XV.

Guatemala. — Under the reservations formulated concerning article 15.

Haiti. — With the reservation regarding article 15.

Persia. — Under reservation of article 15.

Salvador. — Under reservation of article 15.

Siam. — Under reservation of article 15.

Turkey. — Under reservation of article 15.

Uruguay. — Under reservation of article 15.

XIII. Germany. — Under reservation of articles 11, 12, 13, and 20.

République Dominicaine. — Avec réserve sur l'article 12.

Grande Bretagne. — Sous réserve des articles 19 et 23.

Japon. — Avec réserve des articles 19 et 23.

Perse. — Sous réserve des articles 12, 19, et 21.

Siam. — Sous réserve des articles 12, 19, et 23.

Turquie. — Sous réserve de la déclaration concernant l'article 10 portée au procès-verbal de la 8e séance plénière de la Conférence du 9 octobre 1907.

Suisse. — Sous réserve du Vœu no. 1, que le Conseil Fédéral Suisse n'accepte pas.

Dominican Republic. — With reservation regarding article 12.

Great Britain. — Under reservation of articles 19 and 23.

Japan. — With reservation of articles 19 and 23.

Persia. — Under reservation of articles 12, 19, and 21.

Siam.—Under reservation of articles 12, 19, and 23.

Turkey. — Under reservation of the declaration concerning article 10, inserted in the procès-verbal of the eighth plenary session of the Conference of October 9, 1907.

Switzerland. — Under reservation of recommendation No. 1, which the Federal Council did not accept.

APPENDIX

DOCUMENTS REFERRING TO AND EXPLANATORY OF THE HAGUE CONVENTIONS

THE DECLARATION OF PARIS, 1856

DECLARATION respecting maritime law signed by the plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, assembled in Congress at Paris, April 16, 1856.

The plenipotentiaries who signed the Treaty of Paris of the 30th of March, 1856, assembled in conference, — considering:

That maritime law, in time of war, has long been the subject of deplorable disputes;

That the uncertainty of the law, and of the duties in such a matter, gives rise to differences of opinion between neutrals and belligerents which may occasion serious difficulties, and even conflicts;

That it is consequently advantageous to establish a uniform doctrine on so important a point;

That the plenipotentiaries assembled in Congress at Paris can not better respond to the intentions by which their governments are animated than by seeking to introduce into international relations fixed principles in this respect;

The above-mentioned plenipotentiaries, being duly authorized, resolved to concert among themselves as to the means of attaining this object; and, having come to an agreement, have adopted the following solemn declaration:

1. Privateering is, and remains abolished.

2. The neutral flag covers enemy's goods, with the exception of contraband of war.

3. Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag.

4. Blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

The Governments of the undersigned plenipotentiaries engage to bring the present declaration to the knowledge of the states which have not taken part in the Congress of Paris, and to invite them to accede to it.

Convinced that the maxims which they now proclaim can not but be received with gratitude by the whole world, the undersigned plenipotentiaries doubt not that the efforts of their Governments to obtain the general adoption thereof will be crowned with full success.

The present declaration is not and shall not be binding, except between those powers who have acceded, or shall accede to it.

Done at Paris, April 16, 1856.

GENERAL ORDERS, No. 100

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, April 24, 1863.

The following "Instructions for the Government of Armies of the United States in the Field," prepared by Francis Lieber, LL.D., and revised by a Board of Officers, of which Major General E. A. Hitchcock is president, having been approved by the President of the United States, he commands that they be published for the information of all concerned.

BY ORDER OF THE SECRETARY OF WAR

E. D. TOWNSEND,
Assistant Adjutant General.

INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD

SECTION I

MARTIAL LAW — MILITARY JURISDICTION — MILITARY NECESSITY — RETALIATION

1

A PLACE, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the invading or occupying army, whether any proclamation declaring Martial Law, or any public warning to the inhabitants, has been issued or not. Martial Law is the immediate and direct effect and consequence of occupation or conquest.

The presence of a hostile army proclaims its Martial Law.

2

Martial Law does not cease during the hostile occupation, except by special proclamation, ordered by the commander in chief; or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

3

Martial Law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation.

The commander of the forces may proclaim that the administration of all civil and penal law shall continue either wholly or in part, as in times of peace, unless otherwise ordered by the military authority.

4

Martial Law is simply military authority exercised in accordance with the laws and usages of war. Military oppression is not Martial Law; it is the abuse of the power which that law confers. As Martial Law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity — virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

5

Martial Law should be less stringent in places and countries fully occupied and fairly conquered. Much greater severity may be exercised in places or regions where actual hostilities exist, or are expected and must be prepared for. Its most complete sway is allowed — even in the commander's own country — when face to face with the enemy, because of the absolute necessities of the case, and of the paramount duty to defend the country against invasion.

To save the country is paramount to all other considerations.

6

All civil and penal law shall continue to take its usual course in the enemy's places and territories under Martial Law, unless interrupted or stopped by order of the occupying military power; but all the functions of the hostile government — legislative, executive, or administrative — whether of a general, provincial, or local character, cease under Martial Law, or continue only with the sanction, or, if deemed necessary, the participation of the occupier or invader.

7

Martial Law extends to property, and to persons, whether they are subjects of the enemy or aliens to that government.

8

Consuls, among American and European nations, are not diplomatic agents. Nevertheless, their offices and persons will be subjected to Martial Law in cases of urgent necessity only: their property and business are not exempted. Any delinquency they commit against the established military rule may be punished as in the case of any other inhabitant, and such punishment furnishes no reasonable ground for international complaint.

9

The functions of Ambassadors, Ministers, or other diplomatic agents, accredited by neutral powers to the hostile government, cease, so far as regards the displaced government; but the conquering or occupying power usually recognizes them as temporarily accredited to itself.

10

Martial Law affects chiefly the police and collection of public revenue and taxes, whether imposed by the expelled government or by the invader, and refers mainly to the support and efficiency of the army, its safety, and the safety of its operations.

11

The law of war does not only disclaim all cruelty and bad faith concerning engagements concluded with the enemy during the war, but also the breaking of stipulations solemnly contracted by the belligerents in time of peace, and avowedly intended to remain in force in case of war between the contracting powers.

It disclaims all extortions and other transactions for individual gain; all acts of private revenge, or connivance at such acts.

Offenses to the contrary shall be severely punished, and especially so if committed by officers.

12

Whenever feasible, Martial Law is carried out in cases of individual offenders by Military Courts; but sentences of death shall be executed only with the approval of the chief executive, provided the urgency of the case does not require a speedier execution, and then only with the approval of the chief commander.

13

Military jurisdiction is of two kinds: First, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses under the statute law must be tried in the manner therein directed; but military offenses which do not come within the statute must be tried and punished under the common law of war. The

character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.

In the armies of the United States the first is exercised by courts-martial, while cases which do not come within the "Rules and Articles of War," or the jurisdiction conferred by statute on courts-martial, are tried by military commissions.

14

Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages of war.

15

Military necessity admits of all direct destruction of life or limb of *armed* enemies, and of other persons whose destruction is incidentally *unavoidable* in the armed contests of the war; it allows of the capturing of every armed enemy, and every enemy of importance to the hostile government, or of peculiar danger to the captor; it allows of all destruction of property, and obstruction of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy; of the appropriation of whatever an enemy's country affords necessary for the subsistence and safety of the army, and of such deception as does not involve the breaking of good faith either positively pledged, regarding agreements entered into during the war, or supposed by the modern law of war to exist. Men who take up arms against one another in public war do not cease on this account to be moral beings, responsible to one another and to God.

16

Military necessity does not admit of cruelty — that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. It does not admit of the use of poison in any way, nor of the wanton devastation of a district. It admits of deception, but disclaims acts of perfidy; and, in general, military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult.

17

War is not carried on by arms alone. It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy.

18

When a commander of a besieged place expels the noncombatants, in order to lessen the number of those who consume his stock of provisions,

it is lawful, though an extreme measure, to drive them back, so as to hasten on the surrender.

19

Commanders, whenever admissible, inform the enemy of their intention to bombard a place, so that the noncombatants, and especially the women and children, may be removed before the bombardment commences. But it is no infraction of the common law of war to omit thus to inform the enemy. Surprise may be a necessity.

20

Public war is a state of armed hostility between sovereign nations or governments. It is a law and requisite of civilized existence that men live in political, continuous societies, forming organized units, called states or nations, whose constituents bear, enjoy, and suffer, advance and retrograde together, in peace and in war.

21

The citizen or native of a hostile country is thus an enemy, as one of the constituents of the hostile state or nation, and as such is subjected to the hardships of the war.

22

Nevertheless, as civilization has advanced during the last centuries, so has likewise steadily advanced, especially in war on land, the distinction between the private individual belonging to a hostile country and the hostile country itself, with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit.

23

Private citizens are no longer murdered, enslaved, or carried off to distant parts, and the inoffensive individual is as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling demands of a vigorous war.

24

The almost universal rule in remote times was, and continues to be with barbarous armies, that the private individual of the hostile country is destined to suffer every privation of liberty and protection, and every disruption of family ties. Protection was, and still is with uncivilized people, the exception.

25

In modern regular wars of the Europeans, and their descendants in other portions of the globe, protection of the inoffensive citizen of the

hostile country is the rule; privation and disturbance of private relations are the exceptions.

26

Commanding generals may cause the magistrates and civil officers of the hostile country to take the oath of temporary allegiance or an oath of fidelity to their own victorious government or rulers, and they may expel every one who declines to do so. But whether they do so or not, the people and their civil officers owe strict obedience to them as long as they hold sway over the district or country, at the peril of their lives.

27

The law of war can no more wholly dispense with retaliation than can the law of nations, of which it is a branch. Yet civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage.

28

Retaliation will, therefore, never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and moreover, cautiously and unavoidably; that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence, and the character of the misdeeds that may demand retribution.

Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

29

Modern times are distinguished from earlier ages by the existence, at one and the same time, of many nations and great governments related to one another in close intercourse.

Peace is their normal condition; war is the exception. The ultimate object of all modern war is a renewed state of peace.

The more vigorously wars are pursued, the better it is for humanity. Sharp wars are brief.

30

Ever since the formation and coexistence of modern nations, and ever since wars have become great national wars, war has come to be acknowledged not to be its own end, but the means to obtain great ends of state, or to consist in defense against wrong; and no conventional restriction of the modes adopted to injure the enemy is any longer admitted; but the law of war imposes many limitations and restrictions on principles of justice, faith, and honor.

SECTION II

PUBLIC AND PRIVATE PROPERTY OF THE ENEMY — PROTECTION OF PERSONS, AND ESPECIALLY OF WOMEN; OF RELIGION, THE ARTS AND SCIENCES — PUNISHMENT OF CRIMES AGAINST THE INHABITANTS OF HOSTILE COUNTRIES

31

A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all the revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete.

32

A victorious army, by the martial power inherent in the same, may suspend, change, or abolish, as far as the martial power extends, the relations which arise from the services due, according to the existing laws of the invaded country, from one citizen, subject, or native of the same to another.

The commander of the army must leave it to the ultimate treaty of peace to settle the permanency of this change.

33

It is no longer considered lawful — on the contrary, it is held to be a serious breach of the law of war — to force the subjects of the enemy into the service of the victorious government, except the latter should proclaim, after a fair and complete conquest of the hostile country or district, that it is resolved to keep the country, district, or place permanently as its own and make it a portion of its own country.

34

As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning or observatories, museums of the fine arts, or of a scientific character — such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it.

35

Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be se-

cured against all avoidable injury, even when they are contained in fortified places whilst besieged or bombarded.

36

If such works of art, libraries, collections, or instruments belonging to a hostile nation or government, can be removed without injury, the ruler of the conquering state or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace.

In no case shall they be sold or given away, if captured by the armies of the United States, nor shall they ever be privately appropriated, or wantonly destroyed or injured.

37

The United States acknowledge and protect, in hostile countries occupied by them, religion and morality; strictly private property; the persons of the inhabitants, especially those of women; and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished.

This rule does not interfere with the right of the victorious invader to tax the people or their property, to levy forced loans, to billet soldiers, or to appropriate property, especially houses, lands, boats or ships, and churches, for temporary and military uses.

38

Private property, unless forfeited by crimes or by offenses of the owner, can be seized only by way of military necessity, for the support or other benefit of the army or of the United States.

If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

39

The salaries of civil officers of the hostile government who remain in the invaded territory, and continue the work of their office, and can continue it according to the circumstances arising out of the war — such as judges, administrative or police officers, officers of city or communal governments — are paid from the public revenue of the invaded territory, until the military government has reason wholly or partially to discontinue it. Salaries or incomes connected with purely honorary titles are always stopped.

40

There exists no law or body of authoritative rules of action between hostile armies, except that branch of the law of nature and nations which is called the law and usages of war on land.

41

All municipal law of the ground on which the armies stand, or of the countries to which they belong, is silent and of no effect between armies in the field.

42

Slavery, complicating and confounding the ideas of property (that is, of a *thing*) and of personality (that is, of *humanity*), exists according to municipal or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that "so far as the law of nature is concerned, all men are equal." Fugitives escaping from a country in which they were slaves, villains, or serfs, into another country, have, for centuries past, been held free and acknowledged free by judicial decisions of European countries, even though the municipal law of the country in which the slave had taken refuge acknowledged slavery within its own dominions.

43

Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or state can have, by the law of postliminy, no belligerent lien or claim of service.

44

All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense.

A soldier, officer or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior.

45

All captures and booty belong, according to the modern law of war, primarily to the government of the captor.

Prize money, whether on sea or land, can now only be claimed under local law.

46

Neither officers nor soldiers are allowed to make use of their position or power in the hostile country for private gain, not even for commercial transactions otherwise legitimate. Offenses to the contrary committed by commissioned officers will be punished with cashiering or such other punishment as the nature of the offense may require; if by soldiers, they shall be punished according to the nature of the offense.

47

Crimes punishable by all penal codes, such as arson, murder, maiming, assaults, highway robbery, theft, burglary, fraud, forgery, and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at home, but in all cases in which death is not inflicted, the severer punishment shall be preferred.

SECTION III

DESERTERS — PRISONERS OF WAR — HOSTAGES — BOOTY ON THE BATTLE FIELD

48

Deserters from the American Army, having entered the service of the enemy, suffer death if they fall again into the hands of the United States, whether by capture, or being delivered up to the American Army; and if a deserter from the enemy, having taken service in the Army of the United States, is captured by the enemy, and punished by them with death or otherwise, it is not a breach against the law and usages of war, requiring redress or retaliation.

49

A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation.

All soldiers, of whatever species of arms; all men who belong to the rising *en masse* of the hostile country; all those who are attached to the army for its efficiency and promote directly the object of the war, except such as are hereinafter provided for; all disabled men or officers on the field or elsewhere, if captured; all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

50

Moreover, citizens who accompany an army for whatever purpose, such

as sutlers, editors, or reporters of journals, or contractors, if captured, may be made prisoners of war, and be detained as such.

The monarch and members of the hostile reigning family, male or female, the chief, and chief officers of the hostile government, its diplomatic agents, and all persons who are of particular and singular use and benefit to the hostile army or its government, are, if captured on belligerent ground, and if unprovided with a safe-conduct granted by the captor's government, prisoners of war.

51

If the people of that portion of an invaded country which is not yet occupied by the enemy, or of the whole country, at the approach of a hostile army, rise, under a duly authorized levy, *en masse* to resist the invader, they are now treated as public enemies, and, if captured, are prisoners of war.

52

No belligerent has the right to declare that he will treat every captured man in arms of a levy *en masse* as a brigand or bandit.

If, however, the people of a country, or any portion of the same, already occupied by an army, rise against it, they are violators of the laws of war, and are not entitled to their protection.

53

The enemy's chaplains, officers of the medical staff, apothecaries, hospital nurses and servants, if they fall into the hands of the American Army, are not prisoners of war, unless the commander has reasons to retain them. In this latter case, or if, at their own desire, they are allowed to remain with their captured companions, they are treated as prisoners of war, and may be exchanged if the commander sees fit.

54

A hostage is a person accepted as a pledge for the fulfillment of an agreement concluded between belligerents during the war, or in consequence of a war. Hostages are rare in the present age.

55

If a hostage is accepted, he is treated like a prisoner of war, according to rank and condition, as circumstances may admit.

56

A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

57

So soon as a man is armed by a sovereign government and takes the soldier's oath of fidelity, he is a belligerent; his killing, wounding, or other warlike acts are not individual crimes or offenses. No belligerent has a right to declare that enemies of a certain class, color, or condition, when properly organized as soldiers, will not be treated by him as public enemies.

58

The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their army, it would be a case for the severest retaliation, if not redressed upon complaint.

The United States can not retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

59

A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

All prisoners of war are liable to the infliction of retaliatory measures.

60

It is against the usage of modern war to resolve, in hatred and revenge, to give no quarter. No body of troops has the right to declare that it will not give, and therefore will not expect, quarter; but a commander is permitted to direct his troops to give no quarter, in great straits, when his own salvation makes it *impossible* to cumber himself with prisoners.

61

Troops that give no quarter have no right to kill enemies already disabled on the ground, or prisoners captured by other troops.

62

All troops of the enemy known or discovered to give no quarter in general, or to any portion of the army, receive none.

63

Troops who fight in the uniform of their enemies, without any plain, striking, and uniform mark of distinction of their own, can expect no quarter.

64

If American troops capture a train containing uniforms of the enemy, and the commander considers it advisable to distribute them for use among

his men, some striking mark or sign must be adopted to distinguish the American soldier from the enemy.

65

The use of the enemy's national standard, flag, or other emblem of nationality, for the purpose of deceiving the enemy in battle, is an act of perfidy by which they lose all claim to the protection of the laws of war.

66

Quarter having been given to an enemy by American troops, under a misapprehension of his true character he may, nevertheless, be ordered to suffer death if, within three days after the battle, it be discovered that he belongs to a corps which gives no quarter.

67

The law of nations allows every sovereign government to make war upon another sovereign state, and, therefore, admits of no rules or laws different from those of regular warfare, regarding the treatment of prisoners of war, although they may belong to the army of a government which the captor may consider as a wanton and unjust assailant.

68

Modern wars are not internecine wars, in which the killing of the enemy is the object. The destruction of the enemy in modern war, and, indeed, modern war itself, are means to obtain that object of the belligerent which lies beyond the war.

Unnecessary or revengeful destruction of life is not lawful.

69

Outposts, sentinels, or pickets are not to be fired upon, except to drive them in, or when a positive order, special or general, has been issued to that effect.

70

The use of poison in any manner, be it to poison wells, or food, or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war.

71

Whoever intentionally inflicts additional wounds on an enemy already wholly disabled, or kills such an enemy, or who orders or encourages soldiers to do so, shall suffer death, if duly convicted, whether he belongs to the Army of the United States, or is an enemy captured after having committed his misdeed.

72

Money and other valuables on the person of a prisoner, such as watches or jewelry, as well as extra clothing, are regarded by the American Army as the private property of the prisoner, and the appropriation of such valuables or money is considered dishonorable, and is prohibited.

Nevertheless, if *large* sums are found upon the persons of prisoners, or in their possession, they shall be taken from them, and the surplus, after providing for their own support, appropriated for the use of the army, under the direction of the commander, unless otherwise ordered by the government. Nor can prisoners claim, as private property, large sums found and captured in their train, although they have been placed in the private luggage of the prisoners.

73

All officers, when captured, must surrender their side arms to the captor. They may be restored to the prisoner in marked cases, by the commander, to signalize admiration of his distinguished bravery or approbation of his humane treatment of prisoners before his capture. The captured officer to whom they may be restored can not wear them during captivity.

74

A prisoner of war, being a public enemy, is the prisoner of the government, and not of the captor. No ransom can be paid by a prisoner of war to his individual captor or to any officer in command. The government alone releases captives, according to rules prescribed by itself.

75

Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

76

Prisoners of war shall be fed upon plain and wholesome food, whenever practicable, and treated with humanity.

They may be required to work for the benefit of the captor's government, according to their rank and condition.

77

A prisoner of war who escapes may be shot or otherwise killed in his flight; but neither death nor any other punishment shall be inflicted upon him simply for his attempt to escape, which the law of war does not consider a crime. Stricter means of security shall be used after an unsuccessful attempt at escape.

If, however, a conspiracy is discovered, the purpose of which is a united or general escape, the conspirators may be rigorously punished, even with death; and capital punishment may also be inflicted upon prisoners of war discovered to have plotted rebellion against the authorities of the captors, whether in union with fellow-prisoners or other persons.

78

If prisoners of war, having given no pledge nor made any promise on their honor, forcibly or otherwise escape, and are captured again in battle after having rejoined their own army, they shall not be punished for their escape, but shall be treated as simple prisoners of war, although they will be subjected to stricter confinement.

79

Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.

80

Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer the use of any violence against prisoners in order to extort the desired information or to punish them for having given false information.

SECTION IV

PARTISANS — ARMED ENEMIES NOT BELONGING TO THE HOSTILE ARMY — SCOUTS — ARMED PROWLERS — WAR REBELS

81

Partisans are soldiers armed and wearing the uniform of their army, but belonging to a corps which acts detached from the main body for the purpose of making inroads into the territory occupied by the enemy. If captured, they are entitled to all the privileges of the prisoner of war.

82

Men, or squads of men, who commit hostilities, whether by fighting, or inroads for destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so, with intermitting returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers — such men, or squads of men, are not public enemies, and, therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates.

83

Scouts, or single soldiers, if disguised in the dress of the country or in the uniform of the army hostile to their own, employed in obtaining information, if found within or lurking about the lines of the captor, are treated as spies, and suffer death.

84

Armed prowlers, by whatever names they may be called, or persons of the enemy's territory, who steal within the lines of the hostile army for the purpose of robbing, killing, or of destroying bridges, roads, or canals, or of robbing or destroying the mail, or of cutting the telegraph wires, are not entitled to the privileges of the prisoner of war.

85

War rebels are persons within an occupied territory who rise in arms against the occupying or conquering army, or against the authorities established by the same. If captured, they may suffer death, whether they rise singly, in small or large bands, and whether called upon to do so by their own, but expelled, government or not. They are not prisoners of war; nor are they if discovered and secured before their conspiracy has matured to an actual rising or armed violence.

SECTION V

SAFE-CONDUCT — SPIES — WAR TRAITORS — CAPTURED MESSENGERS — ABUSE OF THE FLAG OF TRUCE

86

All intercourse between the territories occupied by belligerent armies, whether by traffic, by letter, by travel, or in any other way, ceases. This is the general rule, to be observed without special proclamation.

Exceptions to this rule, whether by safe-conduct, or permission to trade on a small or large scale, or by exchanging mails, or by travel from one territory into the other, can take place only according to agreement approved by the government, or by the highest military authority.

Contraventions of this rule are highly punishable.

87

Ambassadors, and all other diplomatic agents of neutral powers, accredited to the enemy, may receive safe-conducts through the territories occupied by the belligerents, unless there are military reasons to the contrary, and unless they may reach the place of their destination conveniently by another route. It implies no international affront if the safe-conduct is declined. Such passes are usually given by the supreme authority of the state, and not by subordinate officers.

88

A spy is a person who secretly, in disguise or under false pretense, seeks information with the intention of communicating it to the enemy.

The spy is punishable with death by hanging by the neck, whether or not he succeed in obtaining the information or in conveying it to the enemy.

89

If a citizen of the United States obtains information in a legitimate manner, and betrays it to the enemy, be he a military or civil officer, or a private citizen, he shall suffer death.

90

A traitor under the law of war, or a war traitor, is a person in a place or district under martial law who, unauthorized by the military commander, gives information of any kind to the enemy, or holds intercourse with him.

91

The war traitor is always severely punished. If his offense consists in betraying to the enemy anything concerning the condition, safety, operations, or plans of the troops holding or occupying the place or district, his punishment is death.

92

If the citizen or subject of a country or place invaded or conquered gives information to his own government, from which he is separated by the hostile army, or to the army of his government, he is a war traitor, and death is the penalty of his offense.

93

All armies in the field stand in need of guides, and impress them if they can not obtain them otherwise.

94

No person having been forced by the enemy to serve as guide is punishable for having done so.

95

If a citizen of a hostile and invaded district voluntarily serves as a guide to the enemy, or offers to do so, he is deemed a war traitor, and shall suffer death.

96

A citizen serving voluntarily as a guide against his own country commits treason, and will be dealt with according to the law of his country.

97

Guides, when it is clearly proved that they have misled intentionally, may be put to death.

98

All unauthorized or secret communication with the enemy is considered treasonable by the law of war.

Foreign residents in an invaded or occupied territory, or foreign visitors in the same, can claim no immunity from this law. They may communicate with foreign parts, or with the inhabitants of the hostile country, so far as the military authority permits, but no further. Instant expulsion from the occupied territory would be the very least punishment for the infraction of this rule.

99

A messenger carrying written dispatches or verbal messages from one portion of the army, or from a besieged place, to another portion of the same army, or its government, if armed, and in the uniform of his army, and if captured, while doing so, in the territory occupied by the enemy, is treated by the captor as a prisoner of war. If not in uniform, nor a soldier, the circumstances connected with his capture must determine the disposition that shall be made of him.

100

A messenger or agent who attempts to steal through the territory occupied by the enemy, to further, in any manner, the interests of the enemy, if captured, is not entitled to the privileges of the prisoner of war, and may be dealt with according to the circumstances of the case.

101

While deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous, and it is so difficult to guard against them.

102

The law of war, like the criminal law regarding other offenses, makes no difference on account of the difference of sexes, concerning the spy, the war traitor, or the war rebel.

103

Spies, war traitors, and war rebels are not exchanged according to the common law of war. The exchange of such persons would require a special cartel, authorized by the government, or, at a great distance from it, by the chief commander of the army in the field.

104

A successful spy or war traitor, safely returned to his own army, and afterwards captured as an enemy, is not subject to punishment for his acts as a spy or war traitor, but he may be held in closer custody as a person individually dangerous.

SECTION VI

EXCHANGE OF PRISONERS — FLAGS OF TRUCE — FLAGS OF PROTECTION

105

Exchanges of prisoners take place — number for number — rank for rank — wounded for wounded — with added condition for added condition — such, for instance, as not to serve for a certain period.

106

In exchanging prisoners of war, such numbers of persons of inferior rank may be substituted as an equivalent for one of superior rank as may be agreed upon by cartel, which requires the sanction of the government, or of the commander of the army in the field.

107

A prisoner of war is in honor bound truly to state to the captor his rank; and he is not to assume a lower rank than belongs to him, in order to cause a more advantageous exchange, nor a higher rank, for the purpose of obtaining better treatment.

Offenses to the contrary have been justly punished by the commanders of released prisoners, and may be good cause for refusing to release such prisoners.

108

The surplus number of prisoners of war remaining after an exchange has taken place is sometimes released either for the payment of a stipulated sum of money, or, in urgent cases, of provision, clothing, or other necessaries.

Such arrangement, however, requires the sanction of the highest authority.

109

The exchange of prisoners of war is an act of convenience to both belligerents. If no general cartel has been concluded, it can not be demanded by either of them. No belligerent is obliged to exchange prisoners of war.

A cartel is voidable as soon as either party has violated it.

110

No exchange of prisoners shall be made except after complete capture, and after an accurate account of them, and a list of the captured officers, has been taken.

111

The bearer of a flag of truce can not insist upon being admitted. He must always be admitted with great caution. Unnecessary frequency is carefully to be avoided.

112

If the bearer of a flag of truce offer himself during an engagement, he can be admitted as a very rare exception only. It is no breach of good faith to retain such flag of truce, if admitted during the engagement. Firing is not required to cease on the appearance of a flag of truce in battle.

113

If the bearer of a flag of truce, presenting himself during an engagement, is killed or wounded, it furnishes no ground of complaint whatever.

114

If it be discovered, and fairly proved, that a flag of truce has been abused for surreptitiously obtaining military knowledge, the bearer of the flag thus abusing his sacred character is deemed a spy.

So sacred is the character of a flag of truce, and so necessary is its sacredness, that while its abuse is an especially heinous offense, great caution is requisite, on the other hand, in convicting the bearer of a flag of truce as a spy.

115

It is customary to designate by certain flags (usually yellow) the hospitals in places which are shelled, so that the besieging enemy may avoid firing on them. The same has been done in battles, when hospitals are situated within the field of the engagement.

116

Honorable belligerents often request that the hospitals within the territory of the enemy may be designated, so that they may be spared.

An honorable belligerent allows himself to be guided by flags or signals of protection as much as the contingencies and the necessities of the fight will permit.

117

It is justly considered an act of bad faith, of infamy or fiendishness, to deceive the enemy by flags of protection. Such act of bad faith may be good cause for refusing to respect such flags.

118

The besieging belligerent has sometimes requested the besieged to designate the buildings containing collections of works of art, scientific museums, astronomical observatories, or precious libraries, so that their destruction may be avoided as much as possible.

SECTION VII

THE PAROLE

119

Prisoners of war may be released from captivity by exchange, and, under certain circumstances, also by parole.

120

The term Parole designates the pledge of individual good faith and honor to do, or to omit doing, certain acts after he who gives his parole shall have been dismissed, wholly or partially, from the power of the captor.

121

The pledge of the parole is always an individual, but not a private act.

122

The parole applies chiefly to prisoners of war whom the captor allows to return to their country, or to live in greater freedom within the captor's country or territory, on conditions stated in the parole.

123

Release of prisoners of war by exchange is the general rule; release by parole is the exception.

124

Breaking the parole is punished with death when the person breaking the parole is captured again.

Accurate lists, therefore, of the paroled persons must be kept by the belligerents.

125

When paroles are given and received, there must be an exchange of two written documents, in which the name and rank of the paroled individuals are accurately and truthfully stated.

126

Commissioned officers only are allowed to give their parole, and they can give it only with the permission of their superior, as long as a superior in rank is within reach.

127

No noncommissioned officer or private can give his parole except through an officer. Individual paroles not given through an officer are not only void, but subject the individuals giving them to the punishment of death as deserters. The only admissible exception is where individuals, properly

separated from their commands, have suffered long confinement without the possibility of being paroled through an officer.

128

No paroling on the battlefield; no paroling of entire bodies of troops after a battle; and no dismissal of large numbers of prisoners, with a general declaration that they are paroled, is permitted, or of any value.

129

In capitulations for the surrender of strong places or fortified camps the commanding officer, in cases of urgent necessity, may agree that the troops under his command shall not fight again during the war, unless exchanged.

130

The usual pledge given in the parole is not to serve during the existing war, unless exchanged.

This pledge refers only to the active service in the field, against the paroling belligerent or his allies actively engaged in the same war. These cases of breaking the parole are patent acts, and can be visited with the punishment of death; but the pledge does not refer to internal service, such as recruiting or drilling the recruits, fortifying places not besieged, quelling civil commotions, fighting against belligerents unconnected with the paroling belligerents, or to civil or diplomatic service for which the paroled officer may be employed.

131

If the government does not approve of the parole, the paroled officer must return into captivity, and should the enemy refuse to receive him, he is free of his parole.

132

A belligerent government may declare, by a general order, whether it will allow paroling, and on what conditions it will allow it. Such order is communicated to the enemy.

133

No prisoner of war can be forced by the hostile government to parole himself, and no government is obliged to parole prisoners of war, or to parole all captured officers, if it paroles any. As the pledging of the parole is an individual act, so is paroling, on the other hand, an act of choice on the part of the belligerent.

134

The commander of an occupying army may require of the civil officers of the enemy, and of its citizens, any pledge he may consider necessary for the safety or security of his army, and upon their failure to give it he may arrest, confine, or detain them.

SECTION VIII

ARMISTICE — CAPITULATION

135

An armistice is the cessation of active hostilities for a period agreed between belligerents. It must be agreed upon in writing, and duly ratified by the highest authorities of the contending parties.

136

If an armistice be declared, without conditions, it extends no further than to require a total cessation of hostilities along the front of both belligerents.

If conditions be agreed upon, they should be clearly expressed, and must be rigidly adhered to by both parties. If either party violates any express condition, the armistice may be declared null and void by the other.

137

An armistice may be general, and valid for all points and lines of the belligerents; or special, that is, referring to certain troops or certain localities only.

An armistice may be concluded for a definite time; or for an indefinite time, during which either belligerent may resume hostilities on giving the notice agreed upon to the other.

138

The motives which induce the one or the other belligerent to conclude an armistice, whether it be expected to be preliminary to a treaty of peace or to prepare during the armistice for a more vigorous prosecution of the war, does in no way affect the character of the armistice itself.

139

An armistice is binding upon the belligerents from the day of the agreed commencement; but the officers of the armies are responsible from the day only when they receive official information of its existence.

140

Commanding officers have the right to conclude armistices binding on the district over which their command extends, but such armistice is subject to the ratification of the superior authority, and ceases so soon as it is made known to the enemy that the armistice is not ratified, even if a certain time for the elapsing between giving notice of cessation and the resumption of hostilities should have been stipulated for.

141

It is incumbent upon the contracting parties of an armistice to stipulate

what intercourse of persons or traffic between the inhabitants of the territories occupied by the hostile armies shall be allowed, if any.

If nothing is stipulated, the intercourse remains suspended, as during actual hostilities.

142

An armistice is not a partial or a temporary peace; it is only the suspension of military operations to the extent agreed upon by the parties.

143

When an armistice is concluded between a fortified place and the army besieging it, it is agreed by all the authorities on this subject that the besieger must cease all extension, perfection, or advance of his attacking works as much so as from attacks by main force.

But as there is a difference of opinion among martial jurists, whether the besieged have the right to repair breaches or to erect new works of defense within the place during an armistice, this point should be determined by express agreement between the parties.

144

So soon as a capitulation is signed, the capitulator has no right to demolish, destroy, or injure the works, arms, stores, or ammunition, in his possession, during the time which elapses between the signing and the execution of the capitulation, unless otherwise stipulated in the same.

145

When an armistice is clearly broken by one of the parties, the other party is released from all obligation to observe it.

146

Prisoners taken in the act of breaking an armistice must be treated as prisoners of war, the officer alone being responsible who gives the order for such a violation of an armistice. The highest authority of the belligerent aggrieved may demand redress for the infraction of an armistice.

147

Belligerents sometimes conclude an armistice while their plenipotentiaries are met to discuss the conditions of a treaty of peace; but plenipotentiaries may meet without a preliminary armistice; in the latter case, the war is carried on without any abatement.

SECTION IX

ASSASSINATION

148

The law of war does not allow proclaiming either an individual belonging to the hostile army, or a citizen, or a subject of the hostile government, an outlaw, who may be slain without trial by any captor, any more than the modern law of peace allows such intentional outlawry; on the contrary, it abhors such outrage. The sternest retaliation should follow the murder committed in consequence of such proclamation, made by whatever authority. Civilized nations look with horror upon offers of rewards for the assassination of enemies as relapses into barbarism.

SECTION X

INSURRECTION — CIVIL WAR — REBELLION

149

Insurrection is the rising of people in arms against their government, or a portion of it, or against one or more of its laws, or against an officer or officers of the government. It may be confined to mere armed resistance, or it may have greater ends in view.

150

Civil war is war between two or more portions of a country or state, each contending for the mastery of the whole, and each claiming to be the legitimate government. The term is also sometimes applied to war of rebellion, when the rebellious provinces or portions of the state are contiguous to those containing the seat of government.

151

The term "rebellion" is applied to an insurrection of large extent, and is usually a war between the legitimate government of a country and portions of provinces of the same who seek to throw off their allegiance to it and set up a government of their own.

152

When humanity induces the adoption of the rules of regular war towards rebels, whether the adoption is partial or entire, it does in no way whatever imply a partial or complete acknowledgment of their government, if they have set up one, or of them, as an independent and sovereign power. Neutrals have no right to make the adoption of the rules of war by the assailed government towards rebels the ground of their acknowledgment of the revolted people as an independent power.

153

Treating captured rebels as prisoners of war, exchanging them, concluding of cartels, capitulations, or other warlike agreements with them; addressing officers of a rebel army by the rank they may have in the same; accepting flags of truce; or, on the other hand, proclaiming martial law in their territory, or levying war taxes or forced loans, or doing any other act sanctioned or demanded by the law and usages of public war between sovereign belligerents, neither proves nor establishes an acknowledgment of the rebellious people, or of the government which they may have erected, as a public or sovereign power. Nor does the adoption of the rules of war towards rebels imply an engagement with them extending beyond the limits of these rules. It is victory in the field that ends the strife and settles the future relations between the contending parties.

154

Treating, in the field, the rebellious enemy according to the law and usages of war has never prevented the legitimate government from trying the leaders of the rebellion or chief rebels for high treason, and from treating them accordingly, unless they are included in a general amnesty.

155

All enemies in regular war are divided into two general classes — that is to say, into combatants and noncombatants, or unarmed citizens of the hostile government.

The military commander of the legitimate government, in a war of rebellion, distinguishes between the loyal citizen in the revolted portion of the country and the disloyal citizen. The disloyal citizens may further be classified into those citizens known to sympathize with the rebellion without positively aiding it, and those who, without taking up arms, give positive aid and comfort to the rebellious enemy without being bodily forced thereto.

156

Common justice and plain expediency require that the military commander protect the manifestly loyal citizens, in revolted territories, against the hardships of the war as much as the common misfortune of all war admits.

The commander will throw the burden of the war, as much as lies within his power, on the disloyal citizens of the revolted portion or province, subjecting them to a stricter police than the noncombatant enemies have to suffer in regular war; and if he deems it appropriate, or if his government demands of him that every citizen shall, by an oath of allegiance, or by some other manifest act, declare his fidelity to the legitimate government, he may expel, transfer, imprison, or fine the revolted citizens who refuse

to pledge themselves anew as citizens obedient to the law and loyal to the government.

Whether it is expedient to do so, and whether reliance can be placed upon such oaths, the commander or his government have the right to decide.

157

Armed or unarmed resistance by citizens of the United States against the lawful movements of their troops is levying war against the United States, and is therefore treason.

THE GENEVA CONVENTION OF AUGUST 22, 1864, FOR THE AMELIORATION OF THE CONDITION OF THE SICK AND WOUNDED OF ARMIES IN THE FIELD

The Swiss Confederation; His Royal Highness the Grand Duke of Baden; His Majesty the King of the Belgians; His Majesty the King of Denmark; Her Majesty the Queen of Spain; His Majesty the Emperor of the French; His Royal Highness the Grand Duke of Hesse; His Majesty the King of Italy; His Majesty the King of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Prussia; His Majesty the King of Würtemberg, being equally animated with the desire to soften, as much as depends on them, the evils of warfare, to suppress its useless hardships and improve the fate of wounded soldiers on the field of battle, have resolved to conclude a convention to that effect, and have named for their plenipotentiaries, viz.:

[Names]

Who, after having exchanged their powers, and found them in good and due form, agree to the following articles:

ARTICLE I. Ambulances and military hospitals shall be acknowledged to be neuter, and, as such, shall be protected and respected by belligerents so long as any sick or wounded may be therein.

Such neutrality shall cease if the ambulances or hospitals should be held by a military force.

ART. II. Persons employed in hospitals and ambulances, comprising the staff for superintendence, medical service, administration, transport of wounded, as well as chaplains, shall participate in the benefit of neutrality, whilst so employed, and so long as there remain any wounded to bring in or to succor.

ART. III. The persons designated in the preceding article may, even after occupation by the enemy, continue to fulfill their duties in the hospital or ambulance which they serve, or may withdraw in order to rejoin the corps to which they belong.

Under such circumstances, when these persons shall cease from their functions, they shall be delivered by the occupying army to the outposts of the enemy.

ART. IV. As the equipment of military hospitals remains subject to the laws of war, persons attached to such hospitals can not, in withdrawing, carry away any articles but such as are their private property.

Under the same circumstances an ambulance shall, on the contrary, retain its equipment.

ART. V. Inhabitants of the country who may bring help to the wounded shall be respected, and shall remain free. The generals of the belligerent powers shall make it their care to inform the inhabitants of the appeal addressed to their humanity, and of the neutrality which will be the consequence of it.

Any wounded man entertained and taken care of in a house shall be considered as a protection thereto. Any inhabitant who shall have entertained wounded men in his house shall be exempted from the quartering of troops, as well as from a part of the contributions of war which may be imposed.

ART. VI. Wounded or sick soldiers shall be entertained and taken care of, to whatever nation they may belong.

Commanders in chief shall have the power to deliver immediately to the outposts of the enemy soldiers who have been wounded in an engagement, when circumstances permit this to be done, and with the consent of both parties.

Those who are recognized, after their wounds are healed, as incapable of serving, shall be sent back to their country.

The others may also be sent back, on condition of not again bearing arms during the continuance of the war.

Evacuations, together with the persons under whose directions they take place, shall be protected by an absolute neutrality.

ART. VII. A distinctive and uniform flag shall be adopted for hospitals, ambulances, and evacuations. It must, on every occasion, be accompanied by the national flag. An arm badge (*brassard*) shall also be allowed for individuals neutralized, but the delivery thereof shall be left to military authority.

The flag and the arm badge shall bear a red cross on a white ground.

ART. VIII. The details of execution of the present convention shall be regulated by the commanders in chief of belligerent armies, according to the instructions of their respective governments, and in conformity with the general principles laid down in this convention.

ART. IX. The high contracting powers have agreed to communicate the present convention to those governments which have not found it

convenient to send plenipotentiaries to the International Conference at Geneva, with an invitation to accede thereto; the protocol is for that purpose left open.

ART. X. The present convention shall be ratified, and the ratifications shall be exchanged at Berne, in four months, or sooner, if possible.

In faith whereof the respective plenipotentiaries have signed it and have affixed their seals thereto.

Done at Geneva, the twenty-second day of the month of August, of the year one thousand eight hundred and sixty-four.

ADDITIONAL ARTICLES OF 1868

The Governments of North Germany, Austria, Baden, Bavaria, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Sweden and Norway, Switzerland, Turkey, and Würtemberg, desiring to extend to armies on the sea the advantages of the convention concluded at Geneva the 22d of August, 1864, for the amelioration of the condition of wounded soldiers of armies in the field, and to further particularize some of the stipulations of the said convention, have named for their commissioners:

[Names]

Who, having been duly authorized to that effect, agreed, under reserve of approbation from their governments, to the following dispositions:

ARTICLE I. The persons designated in Article II of the convention shall, after the occupation by the enemy, continue to fulfill their duties, according to their wants, to the sick and wounded in the ambulance or the hospital which they serve. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay for a short time in case of military necessity.

ART. II. Arrangements will have to be made by the belligerent powers to ensure to the neutralized person, fallen into the hands of the army of the enemy, the entire enjoyment of his salary.

ART. III. Under the conditions provided for in Articles I and IV of the convention, the name "ambulance" applies to field hospitals and other temporary establishments, which follow the troops on the field of battle to receive the sick and wounded.

ART. IV. In conformity with the spirit of Article V of the convention and to the reservations contained in the protocol of 1864, it is explained that for the appointment of the charges relative to the quartering of troops, and of the contributions of war, account only shall be taken in an equitable manner of the charitable zeal displayed by the inhabitants.

ART. V. In addition to Article VI of the convention, it is stipulated

that, with the reservation of officers whose detention might be important to the fate of arms and within the limits fixed by the second paragraph of that article, the wounded fallen into the hands of the enemy shall be sent back to their country, after they are cured, or sooner if possible, on condition, nevertheless, of not again bearing arms during the continuance of the war.

ART. VI. The boats which, at their own risk and peril, during and after an engagement pick up the shipwrecked or wounded, or which, having picked them up, convey them on board a neutral or hospital ship, shall enjoy, until the accomplishment of their mission, the character of neutrality, as far as the circumstances of the engagement and the position of the ships engaged will permit.

The appreciation of these circumstances is intrusted to the humanity of all the combatants. The wrecked and wounded thus picked and saved must not serve again during the continuance of the war.

ART. VII. The religious, medical, and hospital staff of any captured vessel are declared neutral, and, on leaving the ship, may remove the articles and surgical instruments which are their private property.

ART. VIII. The staff designated in the preceding article must continue to fulfill their functions in the captured ship, assisting in the removal of the wounded made by the victorious party; they will then be at liberty to return to their country, in conformity with the second paragraph of the first additional article.

The stipulations of the second additional article are applicable to the pay and allowance of the staff.

ART. IX. The military hospital ships remain under martial law in all that concerns their stores; they become the property of the captor, but the latter must not divert them from their special appropriation during the continuance of the war.

ART. X. Any merchantman, to whatever nation she may belong, charged exclusively with removal of sick and wounded, is protected by neutrality, but the mere fact, noted on the ship's books, of the vessel having been visited by an enemy's cruiser renders the sick and wounded incapable of serving during the continuance of the war. The cruiser shall even have the right of putting on board an officer in order to accompany the convoy, and thus verify the good faith of the operation.

If the merchant ship also carries a cargo, her neutrality will still protect it, provided that such cargo is not of a nature to be confiscated by the belligerent.

The belligerents retain the right to interdict neutralized vessels from all communication, and from any course which they may deem prejudicial to the secrecy of their operations. In urgent cases special conventions may

be entered into between commanders in chief, in order to neutralize temporarily and in a special manner the vessels intended for the removal of the sick and wounded.

ART. XI. Wounded or sick sailors and soldiers, when embarked, to whatever nation they may belong, shall be protected and taken care of by their captors.

Their return to their own country is subject to the provisions of Article VI of the convention, and of the additional Article V.

ART. XII. The distinctive flag to be used with the national flag, in order to indicate any vessel or boat which may claim the benefits of neutrality, in virtue of the principles of this convention, is a white flag with a red cross. The belligerents may exercise in this respect any mode of verification which they may deem necessary.

Military hospital ships shall be distinguished by being painted white outside, with green strake.

ART. XIII. The hospital ships which are equipped at the expense of the aid societies, recognized by the governments signing this convention, and which are furnished with a commission emanating from the sovereign, who shall have given express authority for their being fitted out, and with a certificate from the proper naval authority that they have been placed under his control during their fitting out and on their final departure, and that they were then appropriated solely to the purpose of their mission, shall be considered neutral, as well as the whole of their staff. They shall be recognized and protected by the belligerents.

They shall make themselves known by hoisting, together with their national flag, the white flag with a red cross. The distinctive mark of their staff, while performing their duties, shall be an armlet of the same colors. The outer painting of these hospital ships shall be white, with red strake.

These ships shall bear aid and assistance to the wounded and wrecked belligerents without distinction of nationality.

They must take care not to interfere in any way with the movements of the combatants. During and after the battle they must do their duty at their own risk and peril.

The belligerents shall have the right of controlling and visiting them; they will be at liberty to refuse their assistance, to order them to depart, and to detain them if the exigencies of the case require such a step.

The wounded and wrecked picked up by these ships can not be reclaimed by either of the combatants, and they will be required not to serve during the continuance of the war.

ART. XIV. In naval wars any strong presumption that either belligerent takes advantage of the benefits of neutrality, with any other view

than the interest of the sick and wounded, gives to the other belligerent, until proof of the contrary, the right of suspending the convention, as regards such belligerent.

Should this presumption become a certainty, notice may be given to such belligerent that the convention is suspended with regard to him during the whole continuance of the war.

ART. XV. The present act shall be drawn up in a single original copy, which shall be deposited in the archives of the Swiss Confederation.

An authentic copy of this act shall be delivered, with an invitation to adhere to it, to each of the signatory powers of the convention of the 22d of August, 1864, as well as to those that have successively acceded to it.

In faith whereof, the undersigned commissaries have drawn up the present project of additional articles and have apposed thereunto the seals of their arms.

Done at Geneva, the twentieth day of the month of October, of the year one thousand eight hundred and sixty-eight.

THE DECLARATION OF ST. PETERSBURG, 1868

DECLARATION relative to the prohibition of the use of explosive bullets in time of war; exchanged at St. Petersburg on the 11th of December, 1868, between Austria, Bavaria, Belgium, Denmark, France, Great Britain, Greece, Italy, the Netherlands, Persia, Portugal, Prussia and the North German Federation, Russia, Norway and Sweden, Switzerland, Turkey, and Würtemberg.

Upon the invitation of the Imperial Cabinet of Russia, an international military commission having been assembled at St. Petersburg in order to consider the desirability of forbidding the use of certain projectiles in time of war among civilized nations, and this commission having fixed by a common accord the technical limits within which the necessities of war ought to yield to the demands of humanity, the undersigned have been authorized by the orders of their Governments to declare as follows:

Considering that the progress of civilization should have the effect of alleviating, as much as possible, the calamities of war:

That the only legitimate object which states should endeavor to accomplish during war is to weaken the military force of the enemy;

That for this purpose, it is sufficient to disable the greatest possible number of men;

That this object would be exceeded by the employment of arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable;

That the employment of such arms would, therefore, be contrary to the laws of humanity;

The contracting parties engage, mutually, to renounce, in case of war among themselves, the employment, by their military or naval forces, of any projectile of less weight than four hundred grammes, which is explosive, or is charged with fulminating or inflammable substances.

They agree to invite all the states which have not taken part in the deliberations of the International Military Commission, assembled at St. Petersburg, by sending delegates thereto, to accede to the present engagement.

This engagement is obligatory only upon the contracting or acceding parties thereto, in case of war between two or more of themselves; it is not applicable with regard to noncontracting powers, or powers that shall not have acceded to it.

It will also cease to be obligatory from the moment when, in a war between contracting or acceding parties, a noncontracting party, or a nonacceding party, shall join one of the belligerents.

The contracting or acceding parties reserve to themselves the right to come to an understanding, hereafter, whenever a precise proposition shall be drawn up, in view of future improvements which may be effected in the armament of troops, in order to maintain the principles which they have established, and to reconcile the necessities of war with the laws of humanity.

Done at St. Petersburg, November 29 (December 11), 1868.

PROJECT OF AN INTERNATIONAL DECLARATION CONCERNING THE LAWS AND CUSTOMS OF WAR, ADOPTED BY THE CONFERENCE OF BRUSSELS, AUGUST 27, 1874

ARTICLE I. A territory is considered as occupied when it is actually placed under the authority of the hostile army.

The occupation only extends to those territories where this authority is established, and can be exercised.

II. The authority of the legal power being suspended, and having actually passed into the hands of the occupier, he shall take every step in his power to reëstablish and secure, as far as possible, public safety and social order.

III. With this object he will maintain the laws which were in force in the country in time of peace, and he will only modify, suspend, or replace them by others if necessity obliges him to do so.

IV. The functionaries and officials of every class who, at the instance of the occupier, consent to continue to perform their duties, shall be under his protection. They shall not be dismissed or be liable to summary

punishment (*punis disciplinairement*) unless they fail in fulfilling the obligations they have undertaken, and shall be handed over to justice, only if they violate those obligations by unfaithfulness.

V. The army of occupation shall only levy such taxes, dues, duties, and tolls as are already established for the benefit of the state, or their equivalent, if it be impossible to collect them, and this shall be done as far as possible in the form of and according to existing practice. It shall devote them to defraying the expenses of the administration of the country to the same extent as was obligatory on the legal government.

VI. The army occupying a territory shall take possession only of the specie, the funds, and bills, etc. (*valeurs exigibles*), which are the property of the state in its own right, the depots of arms, means of transport, magazines and supplies, and, in general, all the personal property of the state which may be of service in carrying on the war.

Railway plant, land telegraphs, steam and other vessels, not included in cases regulated by maritime law, as well as depots of arms, and generally every kind of munitions of war, although belonging to companies or to private individuals, are to be considered equally as means of aid in carrying on a war, which can not be left at the disposal of the enemy. Railway plant, land telegraphs, as well as the steam and other vessels above mentioned shall be restored, and indemnities be regulated on the conclusion of peace.

VII. The occupying state shall only consider itself in the light of an administrator and usufructuary of the public buildings, real property, forests, and agricultural works belonging to the hostile state, and situated in the occupied territory. It is bound to protect these properties (*fonds de ces propriétés*) and to administer them according to the laws of usufruct.

VIII. The property of parishes (*communes*), or establishments devoted to religion, charity, education, arts, and sciences, although belonging to the state, shall be treated as private property.

Every seizure, destruction of, or willful damage to, such establishments, historical monuments, or works of art or of science, should be prosecuted by the competent authorities.

IX. The laws, rights, and duties of war are applicable not only to the army, but likewise to militia and corps of volunteers complying with the following conditions:

1. That they have at their head a person responsible for his subordinates;
2. That they wear some settled distinctive badge recognizable at a distance;
3. That they carry arms openly; and
4. That, in their operations, they conform to the laws and customs of war.

In those countries where the militia forms the whole or part of the army, they shall be included under the denomination of "army."

X. The population of a nonoccupied territory, who, on the approach of the enemy, of their own accord take up arms to resist the invading troops, without having had time to organize themselves in conformity with Article IX, shall be considered as belligerents, if they respect the laws and customs of war.

XI. The armed forces of the belligerents may be composed of combatants and noncombatants. In the event of being captured by the enemy, both one and the other shall enjoy the rights of prisoners of war.

XII. The laws of war do not allow to belligerents an unlimited power as to the choice of means of injuring the enemy.

XIII. According to this principle are strictly forbidden:

(*a*) The use of poison or poisoned weapons.

(*b*) Murder by treachery of individuals belonging to the hostile nation or army.

(*c*) Murder of an antagonist who, having laid down his arms, or having no longer the means of defending himself, has surrendered at discretion.

(*d*) The declaration that no quarter will be given.

(*e*) The use of arms, projectiles, or substances (*matières*) which may cause unnecessary suffering, as well as the use of the projectiles prohibited by the Declaration of St. Petersburg in 1868.

(*f*) Abuse of the flag of truce, the national flag, or the military insignia or uniform of the enemy, as well as the distinctive badges of the Geneva Convention.

(*g*) All destruction or seizure of the property of the enemy which is not imperatively required by the necessity of war.

XIV. Stratagems (*ruses de guerre*), and the employment of means necessary to procure intelligence respecting the enemy or the country (*terrain*) (subject to the provisions of Article XXXVI), are considered as lawful means.

XV. Fortified places are alone liable to be seized. Towns, agglomerations of houses, or villages, which are open and undefended, can not be attacked or bombarded.

XVI. But if a town or fortress, agglomeration of houses, or villages be defended, the commander of the attacking forces should, before commencing a bombardment, and except in the case of surprise, do all in his power to warn the authorities.

XVII. In the like case all necessary steps should be taken to spare, as far as possible, buildings devoted to religion, arts, sciences, and charity, hospitals and places where sick and wounded are collected, on condition that they are not used at the same time for military purposes.

It is the duty of the besieged to indicate these buildings by special visible signs to be notified beforehand by the besieged.

XVIII. A town taken by storm shall not be given up to the victorious troops to plunder.

XIX. No one shall be considered as a spy but those who, acting secretly or under false pretenses, collect, or try to collect, information in districts occupied by the enemy with the intention of communicating it to the opposing force.

XX. A spy if taken in the act shall be tried and treated according to the laws in force in the army which captures him.

XXI. If a spy who rejoins the army to which he belongs is subsequently captured by the enemy, he is to be treated as a prisoner of war, and incurs no responsibility for his previous acts.

XXII. Military men (*les militaires*) who have penetrated within the zone of operations of the enemy's army, with the intention of collecting information, are not considered as spies if it has been possible to recognize their military character.

In like manner military men (and also nonmilitary persons carrying out their mission openly) charged with the transmission of dispatches either to their own army or to that of the enemy, shall not be considered as spies if captured by the enemy.

To this class belong, also, if captured, individuals sent in balloons to carry dispatches, and generally to keep up communications between the different parts of an army, or of a territory.

XXIII. Prisoners of war are lawful and disarmed enemies. They are in the power of the enemy's government, but not of the individuals or of the corps who made them prisoners.

They should be treated with humanity.

Every act of insubordination authorizes the necessary measures of severity to be taken with regard to them.

All their personal effects except their arms are considered to be their own property.

XXIV. Prisoners of war are liable to internment in a town, fortress, camp, or in any locality whatever, under an obligation not to go beyond certain fixed limits; but they may not be placed in confinement (*enfermés*) unless absolutely necessary as a measure of security.

XXV. Prisoners of war may be employed on certain public works which have no immediate connection with the operations on the theater of war, provided the employment be not excessive, nor humiliating to their military rank, if they belong to the army, or to their official or social position, if they do not belong to it.

They may also, subject to such regulations as may be drawn up by the military authorities, undertake private work.

The pay they receive will go towards ameliorating their position or will

be placed to their credit at the time of their release. In this case the cost of their maintenance may be deducted from their pay.

XXVI. Prisoners of war can not be compelled in any way to take any part whatever in carrying on the operations of the war.

XXVII. The government, in whose power are the prisoners of war, undertakes to provide for their maintenance.

The conditions of such maintenance may be settled by a mutual understanding between the belligerents.

In default of such an understanding, and as a general principle, prisoners of war shall be treated, as regards food and clothing, on the same footing as the troops of the government who made them prisoners.

XXVIII. Prisoners of war are subject to the laws and regulations in force in the army in whose power they are.

Arms may be used, after summoning, against a prisoner attempting to escape. If retaken, he is subject to summary punishment (*peines disciplinaires*) or to a stricter surveillance.

If, after having escaped, he is again made prisoner, he is not liable to any punishment for his previous escape.

XXIX. Every prisoner is bound to declare, if interrogated on the point, his true name and rank, and in the case of his infringing this rule he will incur a restriction of the advantages granted to the prisoners of the class to which he belongs.

XXX. The exchange of prisoners of war is regulated by mutual agreement between belligerents.

XXXI. Prisoners of war may be released on parole if the laws of their country allow it, and in such a case they are bound on their personal honor to fulfill scrupulously, as regards their own government, as well as that which made them prisoners, the engagements they have undertaken.

In the same case their own government should neither demand nor accept from them any service contrary to their parole.

XXXII. A prisoner of war can not be forced to accept release on parole, nor is the enemy's government obliged to comply with the request of a prisoner claiming to be released on parole.

XXXIII. Every prisoner of war liberated on parole, and retaken carrying arms against the government to which he had pledged his honor, may be deprived of the rights accorded to prisoners of war, and may be brought before the tribunals.

XXXIV. Persons in the vicinity of armies, but who do not directly form part of them, such as correspondents, newspaper reporters, "vivandiers," contractors, etc., may also be made prisoners of war.

These persons should, however, be furnished with a permit issued by a competent authority, as well as with a certificate of identity.

XXXV. The duties of belligerents, with regard to the treatment of sick and wounded, are regulated by the Convention of Geneva of the 22d August, 1864, subject to the modifications which may be introduced into that convention.

XXXVI. The population of an occupied territory can not be compelled to take part in military operations against their own country.

XXXVII. The population of occupied territories can not be compelled to swear allegiance to the enemy's power.

XXXVIII. The honor and rights of the family, the life, and property of individuals, as well as their religious convictions and the exercise of their religion, should be respected.

Private property can not be confiscated.

XXXIX. Pillage is expressly forbidden.

XL. As private property should be respected, the enemy will demand from parishes (*communes*) or the inhabitants, only such payments and services as are connected with the necessities of war generally acknowledged in proportion to the resources of the country, and which do not imply, with regard to the inhabitants, the obligation of taking part in the operations of war against their own country.

XLI. The enemy, in levying contributions, whether as equivalents for taxes (*vide* Art. V), or for payments which should be made in kind, or as fines, will proceed, as far as possible, according to the rules of the distribution and assessment of the taxes in force in the occupied territory.

The civil authorities of the legal government will afford their assistance, if they have remained in office.

Contributions can be imposed only on the order and on the responsibility of the general in chief, or of the superior civil authority established by the enemy in the occupied territory.

For every contribution a receipt shall be given to the person furnishing it.

XLII. Requisitions shall be made only by the authority of the commandant of the locality occupied.

For every requisition an indemnity shall be granted or a receipt given.

XLIII. An individual authorized by one of the belligerents to confer with the other, on presenting himself with a white flag, accompanied by a trumpeter (bugler or drummer), or also by a flag bearer, shall be recognized as the bearer of a flag of truce. He, as well as the trumpeter (bugler or drummer), and the flag bearer who accompany him, shall have the right of inviolability.

XLIV. The commander to whom a bearer of a flag of truce is dispatched is not obliged to receive him under all circumstances and conditions.

It is lawful for him to take all measures necessary for preventing the

bearer of the flag of truce taking advantage of his stay within the radius of the enemy's position to the prejudice of the latter; and if the bearer of the flag of truce is found guilty of such a breach of confidence, he has the right to detain him temporarily.

He may equally declare beforehand that he will not receive bearers of flags of truce during a certain period. Envoys presenting themselves after such a notification from the side to which it has been given forfeit their right of inviolability.

XLV. The bearer of a flag of truce forfeits his right of inviolability if it be proved in a positive and irrefutable manner that he has taken advantage of his privileged position to incite to, or commit, an act of treachery.

XLVI. The conditions of capitulations shall be discussed by the contracting parties.

These conditions should not be contrary to military honor.

When once settled by a convention, they should be scrupulously observed by both sides.

XLVII. An armistice suspends warlike operations by a mutual agreement between the belligerents. Should the duration thereof not be fixed, the belligerents may resume operations at any moment; provided, however, that proper warning be given to the enemy, in accordance with the conditions of the armistice.

XLVIII. An armistice may be general or local. The former suspends all warlike operations between the belligerents; the latter only those between certain portions of the belligerent armies, and within a fixed radius.

XLIX. An armistice should be notified officially and without delay to the competent authorities and to the troops. Hostilities are suspended immediately after the notification.

L. It rests with the contracting parties to define in the clauses of the armistice the relations which shall exist between the populations.

LI. The violation of the armistice by either of the parties gives to the other the right of terminating it (*le dénoncer*).

LII. The violation of the clauses of an armistice by private individuals, on their own personal initiative, only affords the right of demanding the punishment of the guilty persons, and, if there is occasion for it, an indemnity for losses sustained.

LIII. The neutral state receiving in its territory troops belonging to the belligerent armies will intern them, so far as it may be possible, away from the theater of war.

They may be kept in camps, or even confined in fortresses or in places appropriated to this purpose.

It will decide whether the officers may be released on giving their parole not to quit the neutral territory without authority.

LIV. In default of a special agreement, the neutral state which receives the belligerent troops will furnish the interned with provisions, clothing, and such aid as humanity demands.

The expenses incurred by the internment will be made good at the conclusion of peace.

LV. The neutral state may authorize the transport across its territory of the wounded and sick belonging to the belligerent armies, provided that the trains which convey them do not carry either the *personnel* or *material* of war.

In this case the neutral state is bound to take the measures necessary for the safety and control of the operation.

LVI. The Convention of Geneva is applicable to the sick and wounded interned on neutral territory.

LAWS OF WAR ON LAND[1]

Recommended for adoption by the Institute of International Law at its session in Oxford, September 9, 1880.

PART FIRST

General Principles

1. The state of war does not admit of acts of violence, save between the armed forces of belligerent states. Individuals who form no part of a belligerent armed force should abstain from such acts.

This rule implies a distinction between the individuals who compose the armed force of a state and its other citizens or subjects. A precise definition of the term "armed force" is, therefore, necessary.

2. The armed force of a state includes:

1st. The army proper, or permanent military establishment, including the militia and reserve forces.

2d. The national guard, landsturm, free corps, and other bodies which fulfill the three following conditions — *i.e.*,

(*a*) They must be under the direction of responsible chiefs.

(*b*) They must have a uniform, or distinguishing mark, or badge, recognizable at a distance, and worn by individuals composing such corps.

(*c*) They must carry arms openly.

[1] This translation is taken from Appendix F of Davis, "Elements of International Law" (3d ed.), pp. 625–637. The original French text will be found in "Annuaire de l'Institut de Droit International," for 1881–1882; pp. 157–174.

3d. The crews of public armed ships and other vessels used for war-like purposes.

4th. The inhabitants of nonoccupied territory who, at the approach of the enemy, take arms openly and spontaneously to resist an invader, even if they have not had time to organize.

3. Every intelligent belligerent armed force must carry on its military operations in accordance with the laws of war.

The only legitimate end that a state may have in war is to weaken the military strength of the enemy.

4. The laws of war do not recognize in belligerents an unlimited liberty as to the means of injuring the enemy. They are to abstain from all needless severity, as well as from all perfidious, unjust, or tyrannical acts.

5. Agreements made between belligerents during the continuance of war, such as armistices, capitulations, and the like, are to be scrupulously observed and respected.

6. No invaded territory is to be regarded as conquered until the end of the war. Until that time the invader exercises, in such territory, only a *de facto* power, essentially provisional in character.

PART SECOND

Application of General Principles

I. Hostilities

(*A*) Rules of Conduct with Regard to Individuals

(a) *Inoffensive Populations*

The contest being carried on by "armed forces" only

7. It is forbidden to deal harshly with inoffensive populations.

(b) *Means of Injuring the Enemy*

8. It is forbidden:

(*a*) To make use of poison, in any form whatever.

(*b*) To make treacherous attempts upon the life of an enemy; as, for example, by keeping assassins in pay, or by feigning to surrender.

(*c*) To attack an enemy by concealing the distinctive signs of an armed force.

(*d*) To use improperly the national flag, uniform, or other distinctive signs of the enemy; the flag of truce, or the distinctive signs of the Geneva Convention.

9. It is forbidden:

(*a*) To employ arms, projectiles, or materials of any kind calculated to cause needless suffering, or to aggravate wounds — notably projectiles of less weight than four hundred grammes (fourteen ounces avoirdupois) which are explosive or are charged with fulminating or explosive substances.

(*b*) To kill or injure an enemy who has surrendered, or who is disabled; or to declare in advance that quarter will not be given, even by those who do not ask it for themselves.

(c) *The Sick and Wounded, and the Sanitary Service*

The following provisions, extracted from the Geneva Convention, exempt the sick and wounded, and the *personnel* of the sanitary service, from many of the needless hardships to which they were formerly exposed:

10. Wounded or sick soldiers shall be collected together and cared for, to whatever nation they may belong.

11. Commanders in chief shall have power to deliver, immediately, to the outposts of the enemy, soldiers who have been wounded in an engagement, when circumstances are such as to permit this to be done, and with the consent of both parties. Those who are recognized, after their wounds are healed, as incapable of serving shall be sent back to their own country. The others may also be sent back, on condition of not again bearing arms during the continuance of the war. Evacuations, together with the persons under whose direction they take place, shall be protected by an absolute neutrality.

12. Persons employed in hospitals and ambulances, composing the staff for superintendence, medical service, administration, transport of wounded, as well as the chaplains, and the duly accredited agents of relief associations who are authorized to assist the regular sanitary staff, shall participate in the benefit of neutrality while so employed, and so long as there remain any wounded to bring in or to succor.

13. The persons designated in the preceding article should, even after occupation by the enemy, continue to attend, according to their needs, the sick and wounded in the hospital, or ambulance, to which they are attached.

14. When they request to withdraw, the commander of the occupying troops shall fix the time of departure, which he shall only be allowed to delay, for a short time, in case of military necessity.

15. Suitable arrangements should be made to assure to neutralized persons, who have fallen into the hands of the enemy, the enjoyment of suitable salaries.

16. An arm badge (*brassard*) shall be worn by neutralized individuals, but the delivery thereof shall be regulated by military authority.

17. The commanding generals of the belligerent powers should appeal to the humanity of the inhabitants, and should endeavor to induce them to assist the wounded, by pointing out to them the advantages that will result from so doing. They should regard as inviolable those who respond to this appeal.

(d) *The Dead*

18. It is forbidden to rob or mutilate the bodies of the dead lying on the field of battle.

19. The bodies of the dead should not be buried until they have been carefully examined, and all articles which may serve to fix their identity, such as names, medals, numbers, pocketbooks, etc., shall have been secured. The articles thus collected from the bodies of the enemy's dead should be transmitted to their army or government.

(e) *Who may be made Prisoners of War*

20. Individuals who form a part of the belligerent armed force of a state, if they fall into the hands of the enemy, are to be treated as prisoners of war, in conformity with articles 61–78 of these instructions. The same rule is observed in the case of messengers who carry official dispatches openly; and towards aëronauts charged with observing the operations of an enemy, or with the maintenance of communications between the various parts of an army or theater of military operations.

21. Individuals who accompany an army, but who are not a part of the regular armed force of the state, such as correspondents, traders, sutlers, etc., and who fall into the hands of the enemy, may be detained for such length of time only as is warranted by strict military necessity.

(f) *Spies*

22. Spies captured in the act can not demand to be treated as prisoners of war.

23. An individual may not be regarded as a spy, however, who, belonging to the armed force of either belligerent, penetrates, without disguise, into the zone of military operations of the enemy. Nor does the term apply to aëronauts or to couriers or messengers who carry openly and without concealment the official dispatches of the enemy.

24. No person charged with being a spy shall be punished for that offense until the fact of his guilt shall have been established before a competent military tribunal.

25. A spy who succeeds in quitting the territory occupied by an enemy incurs no penalty for his previous offense, should he at any future time fall into the hands of that enemy.

(g) *Flags of Truce*

26. The bearer of a flag of truce who, with proper authority from one belligerent, presents himself to the other for the purpose of communicating with him, is entitled to complete inviolability of person.

27. He may be accompanied by a drummer or trumpeter, by a color-bearer, and, if need be, by a guide and interpreter, all of whom shall be entitled to a similar inviolability of person.

28. The commander to whom a flag is sent is not obliged to receive the flag under all circumstances.

29. The commander who receives a flag has a right to take such precautionary measures as will prevent his cause from being injured by the presence of an enemy within his lines.

30. If the bearer of a flag of truce abuse the trust reposed in him, he may be temporarily detained, and, if it be proven that he has taken advantage of his position to abet a treasonable act, he forfeits his character of inviolability.

(*B*) Rules of Conduct with Regard to Things

(a) *Means of Injuring the Enemy. — Bombardments*

Certain precautions are made necessary by the rule that a belligerent must abstain from useless severity. In accordance with this principle,

31. It is forbidden:

(*a*) To pillage, even places taken by assault.

(*b*) To destroy public or private property, unless such destruction be demanded by urgent military necessity.

(*c*) To attack, or bombard, open or undefended towns.

32. The commander of an attacking force, save in cases of open assault, shall, before undertaking a bombardment, make due effort to give notice of his intention to the local authorities.

33. In case of bombardment all needful measures shall be taken to spare, if it be possible to do so, buildings devoted to religion and charity, to the arts and sciences, hospitals, and depots of sick and wounded. This on condition, however, that such places be not made use of, directly or indirectly, for purposes of defense.

34. It is the duty of the besieged to designate such buildings by suitable marks or signs, indicated, in advance, to the besieger.

(b) *Sanitary Establishments*

The arrangements for the relief of the wounded, which are made the subject of article 10 et seq. of the Geneva Convention, would be inadequate to their purpose were not sanitary establishments granted equal protection. Hence, in accordance with the rules of the Geneva Convention,

35. Ambulances and military hospitals are recognized as neutral, and, as such, are to be protected by belligerents, so long as any sick or wounded remain therein.

36. The same rule applies to buildings, or parts of buildings, in which the sick or wounded are gathered together or cared for.

37. The neutrality of hospitals and ambulances ceases if they are guarded by a military force. This does not preclude the presence of an adequate police force.

38. As the equipment of military hospitals remains subject to the laws of war, persons attached to such hospitals can not, in withdrawing, carry any articles but such as are their private property. Under the same circumstances, an ambulance shall, on the contrary, retain its equipment.

39. Under the circumstances foreseen in the above paragraphs, the term "ambulance" is applied to field hospitals and other temporary establishments which follow the troops on the field of battle to receive the sick and wounded.

40. A distinctive and uniform flag is adopted for ambulances, hospitals, and evacuations. It bears a red cross on a white ground. It must, on all occasions, be accompanied by the national flag.

II. Occupied Territory

(*A*) Definition

41. Territory is regarded as occupied when, as the consequence of its invasion by the enemy's forces, the state from which it has been taken has ceased, in fact, to exercise there its regular authority, and the invading state alone finds itself able to maintain order therein. The limits within which this state of affairs exists determine the extent and duration of the occupation.

(*B*) Rules of Conduct with Respect to Persons

42. It is the duty of the occupying military authority to inform the inhabitants, at the earliest practicable moment, of the powers that he exercises, as well as to define the limits of the occupied territory.

43. The occupying authority should take all due and needful measures to assure order and public tranquillity.

44. To that end the invader should maintain the laws in force in the territory in time of peace, and should not modify, suspend, or replace them, unless it becomes absolutely necessary to do so.

45. The administrative officials and civil employees of every grade who consent to continue in the performance of their duties should be supported and protected by the occupying authority. Their appointments are always revocable, and they have the right to resign their places at any time. They should be subjected to penalties only when they fail to perform duties freely accepted by them, and should be given over to justice only when they have betrayed them.

46. In case of urgency, the invader may demand the coöperation of the inhabitants, to enable him to provide for the necessities of local administration.

47. The population of an invaded district can not be compelled to swear allegiance to the hostile power; but individuals who commit acts of hostility against the occupying authority are punishable.

48. The inhabitants of an occupied territory who do not submit to the orders of the occupying authority may be compelled to do so. The invader, however, can not compel the inhabitants to assist him in his works of attack or defense, or to take part in military operations against their own country.

49. Family honor and rights, the lives of individuals, as well as their religious convictions, and the right of religious worship should be respected.

(*C*) Rules of Conduct with Regard to Property

(a) *Public Property*

Although the authority of the invader replaces that of the government of the occupied territory, his power is not absolute. So long as the fate of the territory remains in suspense — that is, until the peace — the invader is not free to dispose of property which still belongs to the enemy, and which is not of direct use to him in his military operations. From these principles the following rules are deduced:

50. The occupying authority may seize only the cash, public funds, and bills due or transferable, belonging to the state in its own right, depots of arms and supplies, and, in general, the movable property of the state, of such character as to be useful in military operations.

51. Means of transportation (railways, boats, etc.), as well as telegraph lines and landing cables, can only be appropriated to the use of the invader. Their destruction is forbidden, unless it be demanded by military necessity. They are to be restored, at the peace, in the condition in which they are at that time.

52. The invader can only act in the capacity of a provisional administrator in respect to real property, such as buildings, forests, agricultural establishments, etc., belonging to the enemy's state. He should protect these properties and see to their maintenance.

53. The property of communes, and that of establishments devoted to religious worship, and to the arts and sciences, can not be seized. All destruction or intentional defacement of such establishments, of historic monuments or archives, or of works of science or art, is formally prohibited, save when demanded by urgent military necessity.

(b) *Private Property*

If the powers of the invader are limited with respect to the public property of the enemy's state, with greater reason they are limited with respect to the private property of individuals.

54. Private property, whether belonging to individuals or corporations, is to be respected, and can be confiscated only under the limitations contained in the following articles:

55. Means of transportation (railways, boats, etc.), telegraphs, factories of arms and munitions of war, although belonging to private individuals or corporations, may be seized by an invader, but must be restored at peace; if possible, with suitable indemnities.

56. Impositions in kind (requisitions) levied upon communes of the residents of invaded districts should bear direct relation to the generally recognized necessities of war, and should be in proportion to the resources of the district. Requisitions can only be made, or levied, with the authority of the commanding officer of the occupied district.

57. The invader may levy, in the way of dues and imposts, only such as are already established for the benefit of the State revenues. He employs them to defray the expenses of administration of the occupied territory, contributing in the same proportion in which the legal government was bound.

58. The invader can not levy extraordinary contributions of money, save as an equivalent for fines, or imposts not paid, or for payments not made in kind. Contributions in money can only be imposed by the order, and upon the responsibility, of the general in chief, or that of the superior civil authority established in the occupied territory; and then, as nearly as possible, in accordance with the rule of apportionment and assessment of existing imposts.

59. In the apportionment of burdens relating to the quartering of troops, and in the levying of requisitions and contributions of war, account is to be made of the charitable zeal displayed by the inhabitants in behalf of the wounded.

60. Impositions in kind, when they are not paid for in cash, and contributions of war, are authenticated by receipts. Measures should be taken to assure the regularity and *bona fide* character of these receipts.

III. Prisoners of War

The confinement of prisoners of war is not in the nature of a penalty for crime; neither is it an act of vengeance. It is a temporary detention only, entirely without penal character. In the following provisions, therefore, regard has been had to the consideration due them as prisoners, and to the necessity of their secure detention.

61. Prisoners of war are the prisoners of the captor's government, and not of the individuals or corps who captured them.

62. They are subject to the laws and regulations in force in the army of the enemy.

63. They must be treated with humanity.

64. All articles in their personal possession, arms excepted, remain their private property.

65. Every prisoner of war is obliged to disclose, when duly interrogated upon the subject, his true name and grade. Should he fail to do so, he may be deprived of all, or a part, of the privileges accorded to prisoners of his rank and station.

66. Prisoners of war may be confined in towns, fortresses, camps, or other places, with an obligation not to go beyond certain specific limits; but they may only be imprisoned as an indispensable measure of security.

67. Every act of insubordination on the part of a prisoner of war authorizes the resort to suitable measures of severity on the part of the government in whose hands he is.

68. Prisoners of war attempting to escape may, after having been summoned to halt or surrender, be fired upon. If an escaped prisoner be recaptured before being able to rejoin his own army or to quit the territory of his captor, he is only liable to disciplinary penalties; or he may be subjected to a more rigorous confinement. If, after having successfully effected his escape, he is again made a prisoner, he incurs no penalty for his previous escape. If, however, the prisoner so recaptured, or retaken, has given his parole not to attempt to escape, he may be deprived of his rights as a prisoner of war.

69. The government having prisoners of war in its hands is obliged to support them. If there be no agreement between the belligerents upon this point, prisoners of war are placed, in all matters regarding food and clothing, upon the peace footing of the troops of the State which holds them in captivity.

70. Prisoners can not be compelled to take any part whatsoever in operations of war. Neither can they be compelled to give information concerning their army or country.

71. They may be employed upon public works that have no direct connection with the captor's military operations; provided, however, that such labor is not detrimental to health, nor humiliating to their military rank, if they belong to the army, or to their official or social position, if they are civilians, not connected with any branch of the military service.

72. In the event of their being authorized to engage in private industries, their pay for such services may be collected by the authority in charge of them. The sums so received may be employed in bettering their condition, or may be paid to them, at their release, subject to deduction, if that course be deemed expedient, of the expense of their maintenance.

IV. Termination of Captivity

The right of detaining individuals in captivity exists only during the continuance of hostilities. Hence:

73. The captivity of prisoners of war ceases, as a matter of right, at the conclusion of peace; but their liberation is then regulated by agreement between the belligerents.

74. Captivity also ceases, in so far as sick and wounded prisoners are concerned, so soon as they are found to be unfit for military service. It is the duty of the captor, under such circumstances, to send them back to their country.

75. During the continuance of hostilities, prisoners of war may be released in accordance with cartels of exchange, agreed upon by the belligerents.

76. Without formal exchange, prisoners may be liberated on parole, provided they are not forbidden by their own governments to give paroles. In such a case they are obliged, as a matter of military honor, to perform with scrupulous exactness the engagements which they have freely undertaken, and which should be clearly specified. On its part, their own government should not demand or accept from them any service contrary to, or inconsistent with, their plighted word.

77. A prisoner of war can not be constrained to accept a release on parole. For a similar reason, the enemy's government is not obliged to accede to the demand of a prisoner of war to be released on parole.

78. Every prisoner of war liberated on parole who is recaptured in arms against the government to which he has given such parole may be deprived of his rights and privileges as a prisoner of war, unless since his liberation he has been included in an unconditional exchange of prisoners.

V. Troops Interned in Neutral Territory

It is universally admitted that a neutral state can not, without compromising its neutrality, lend aid to either belligerent, or permit them to make use of its territory. On the other hand, considerations of humanity dictate that asylum should not be refused to individuals who take refuge in neutral territory to escape death or captivity. From these principles the following provisions are deduced. They are calculated to reconcile, to some extent, the opposing interests involved.

79. It is the duty of a neutral state within whose territory commands or individuals have taken refuge to intern them at points as far removed as possible from the theater of war. It should pursue a similar course towards those who make use of its territory for warlike operations or to render military aid to either belligerent.

80. Interned troops may be guarded in camps or fortified places. The neutral state decides whether officers are to be released on parole by taking an engagement not to quit neutral territory without authority.

81. In the event of there being no agreement with the belligerents concerning the maintenance of interned troops, the neutral state shall supply them with food and clothing and the immediate aid demanded by humanity. It also takes such steps as it deems necessary to care for the arms and other public property brought into its territory by the interned troops. When peace has been concluded, or sooner if possible, the expenses occasioned by the internment are reimbursed to the neutral state by the belligerent state to whom the interned troops belong.

82. The provisions of the Geneva Convention of August 22, 1864 (articles 10–18, 35–40, 59, and 74 above given), are applicable to the sanitary staff, as well as to the sick and wounded, who take refuge in, or are conveyed to, neutral territory.

83. Evacuations of sick and wounded not prisoners of war may pass through neutral territory, provided the *personnel* and material accompanying them are exclusively sanitary. It is the duty of the neutral state through whose territory the evacuation is made to take such measures of safety and necessary control as it may deem necessary to the rigorous performance of its neutral duty.

PART THIRD

Penal Sanction

If any of the foregoing rules be violated, the offending parties should be punished, after a judicial hearing, by the belligerent in whose hands they are.

84. Offenders against the laws of war are liable to the punishments specified in the penal, or criminal, law.

This mode of repression, however, is only applicable when the person of the offender can be secured. In the contrary case, the criminal law is powerless, and, if the injured party deem the misdeed so serious in character as to make it necessary to recall the enemy to a respect for law, no other resource remains than a resort to reprisals. Reprisals are an exception to the general rule of equity, that an innocent person ought not to suffer for the guilty. They are also at variance with the rule that each belligerent should conform to the rules of war, without reciprocity on the part of the enemy. This necessary rigor, however, is modified to some extent by the following restrictions:

85. Reprisals are formally prohibited in all cases in which the injury complained of has been repaired.

86. In all cases of serious importance in which reprisals appear to be absolutely necessary, they shall not exceed, in kind or degree, nor in their mode of application, the exact violation of the law of war committed by the enemy. They can only be resorted to with the express authority of the general in chief. They must conform, in all cases, to the laws of humanity and morality.

CONVENTION REGARDING HOSPITAL SHIPS, SIGNED AT THE HAGUE, DECEMBER 21, 1904

His Majesty the German Emperor, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; the President of the Peruvian Republic; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam, and the Swiss Federal Council,

Taking into consideration that the convention concluded at The Hague on July 29, 1899, for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864, has sanctioned the principle of the intervention of the Red Cross in naval wars by provisions in favor of hospital ships;

Desirous of concluding a convention to the end of facilitating by additional provisions the mission of such ships;

Have appointed as their plenipotentiaries, to wit:

[Names]

Who, after communication of their full powers, found to be in good and due form, have agreed on the following provisions:

ARTICLE 1

Hospital ships, concerning which the conditions set forth in articles 1, 2, and 3 of the convention concluded at The Hague on July 29, 1899, for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864, are fulfilled, shall be exempted, in time of war, from all dues and taxes imposed on vessels for the benefit of the state, in the ports of the contracting parties.

ARTICLE 2

The provision of the foregoing article does not prevent the application, by means of visitation or other formalities of fiscal or other laws in force at said ports.

ARTICLE 3

The rule laid down in article 1 is binding only on the contracting powers in case of war between two or more of them.

The said rule shall cease to be binding from the time when a noncontracting power shall join one of the belligerents in a war between contracting powers.

ARTICLE 4

The present convention which, bearing the date of this day, may be signed until the first of October, 1905, by the powers expressing their desire to do so, shall be ratified as soon as possible. The ratifications shall be deposited at The Hague.

A *procès-verbal* of the deposit of the ratifications shall be drawn up and a copy thereof, duly certified, shall be delivered through the diplomatic channel to all the contracting powers.

ARTICLE 5

The nonsignatory powers are permitted to adhere to the present convention after October 1, 1905.

They shall, to that end, make their adhesion known to the contracting powers by means of a written notification addressed to the Government of the Netherlands and communicated by the latter to the other contracting powers.

ARTICLE 6

In the event of one of the high contracting powers denouncing the present convention, such denunciation shall not take effect until one year after the notification made in writing to the Government of the Netherlands and immediately communicated by the latter to all the other contracting powers. This denunciation shall only affect the notifying power.

In testimony whereof the plenipotentiaries have signed the present convention and affixed their seals thereto.

Done at The Hague the twenty-first of December one thousand nine hundred and four, in a single copy, which shall remain filed in the archives of the Government of the Netherlands and copies of which, duly certified, shall be delivered through the diplomatic channel to the contracting powers.

FINAL ACT

At the moment of proceeding to sign the convention having for its object the exemption of hospital ships in time of war in the ports of the contracting parties from all dues and taxes imposed on vessels for the benefit of the state, the plenipotentiaries signing the present act express the wish that, in view of the highly humanitarian mission of these ships, the contracting governments may take the measures necessary in order to exempt these ships within a short time also from the payment of the dues and taxes collected in their ports for the benefit of others than the state, especially those collected for the benefit of municipalities or of private companies or persons.

In witness whereof the plenipotentiaries have signed the present *procès-verbal*, which, bearing the date of this day, may be signed up to the first of October, 1905.

Done at The Hague, the twenty-first of December, nineteen hundred and four, in a single copy, which shall remain on file in the archives of the Government of the Netherlands, and of which certified copies shall be delivered through the diplomatic channel to the powers signing the aforementioned convention.

CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE SICK AND WOUNDED OF ARMIES IN THE FIELD. SIGNED AT GENEVA, JULY 6, 1906

His Majesty the German Emperor, King of Prussia; His Excellency the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Royal Highness the Prince of Bulgaria; His Excellency the President of the Republic of Chile; His Majesty

the Emperor of China; His Majesty the King of the Belgians, Sovereign of the Congo Free State; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United States of Brazil; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Honduras; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; the President of the Oriental Republic of Uruguay,

Being equally animated by the desire to lessen the inherent evils of warfare as far as is within their power, and wishing for this purpose to improve and supplement the provisions agreed upon at Geneva, on August 22, 1864, for the amelioration of the condition of the wounded of armies in the field,

Have decided to conclude a new convention to that effect, and have appointed as their plenipotentiaries, to wit:

[Names]

Who, after having communicated to each other their full powers, found in good and due form, have agreed on the following:

CHAPTER I

The Sick and Wounded

Article 1. Officers, soldiers, and other persons officially attached to armies who are sick or wounded shall be respected and cared for, without distinction of nationality, by the belligerent in whose power they are.

However, a belligerent, when compelled to leave his wounded in the hands of the enemy, shall leave with them, so far as military conditions permit, a portion of the personnel and matériel of his sanitary service to assist in caring for them.

Art. 2. Subject to the care that must be taken of them under the preceding article, the sick and wounded of an army who fall into the power

of the other belligerent become prisoners of war, and the general rules of international law in respect to prisoners become applicable to them.

The belligerents remain free, however, to enter into such mutual stipulations in regard to sick and wounded prisoners as they may deem appropriate. They shall have especially authority to agree:

1. To mutually restore the sick and wounded left on the field of battle after an engagement.

2. To send back to their own country the sick and wounded who have recovered, or who are in a condition to be transported, and whom they do not desire to retain as prisoners.

3. To send the sick and wounded of the enemy to a neutral state, with its consent and on condition that they shall be interned by the neutral state until the close of hostilities.

ART. 3. After every engagement the belligerent who remains in possession of the field of battle shall take measures to search for the wounded and to protect the wounded and dead from spoliation and ill treatment.

He will see that a careful examination is made of the bodies of the dead prior to their interment or incineration.

ART. 4. As soon as possible each belligerent shall forward to the authorities of their country or army the military tokens, or badges of identification, found upon the bodies of the dead, together with a list of the sick and wounded taken in charge by him.

Belligerents will keep each other mutually advised of internments and transfers, together with admissions to hospitals and deaths which occur among the sick and wounded in their hands. They will collect all valuable personal belongings, letters, etc., which are found upon the field of battle, or have been left by the wounded or by those who have died in sanitary formations or other establishments, for transmission to interested persons through the authorities of their own country.

ART. 5. The military authority may make an appeal to the charitable zeal of the inhabitants to receive and, under his supervision, to care for the sick and wounded of the armies, granting to persons responding to such appeals special protection and certain immunities.

CHAPTER II

SANITARY FORMATIONS AND ESTABLISHMENTS

ART. 6. Mobile sanitary formations (*i.e.*, those which are intended to accompany armies in the field) and the fixed establishments belonging to the sanitary service shall be protected and respected by belligerents.

ART. 7. The protection due to sanitary formations and establishments ceases if they are used to commit acts injurious to the enemy.

ART. 8. A sanitary formation or establishment shall not be deprived of the protection accorded by article 6 by the fact that:

1. The personnel of a formation or establishment is armed and uses its arms in self-defense or in defense of its sick and wounded.

2. In the absence of armed hospital attendants, the formation is guarded by an armed detachment or by sentinels regularly established.

3. Arms or cartridges, taken from the wounded and not yet turned over to the proper authorities, are found in the formation or establishment.

CHAPTER III

PERSONNEL

ART. 9. The personnel exclusively charged with the removal, transportation, and treatment of the sick and wounded, as well as with the administration of sanitary formations and establishments, and the chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy, they shall not be treated as prisoners of war.

These provisions apply to the personnel of the guard of sanitary formations and establishments in the case provided for in paragraph 2 of article 8.

ART. 10. The personnel of volunteer aid societies, duly recognized and authorized by their government, who are employed in the sanitary formations and establishments of armies, are assimilated to the personnel contemplated in the preceding article, upon condition that the said personnel shall be subject to military laws and regulations.

Each state shall make known to the other, either in time of peace, or at the opening, or during the progress of hostilities — in any case before actual employment — the names of the societies which it has authorized to render assistance, under its responsibility, in the official sanitary service of its armies.

ART. 11. A recognized society of a neutral state can only lend the services of its sanitary personnel and formations to a belligerent with the prior consent of its own government and the authorization of such belligerent. The belligerent who has accepted such assistance is required to notify the enemy before making any use thereof.

ART. 12. Persons described in articles 9, 10, and 11 will continue in the exercise of their functions after they have fallen into the power of the enemy and under his direction.

When their coöperation is no longer indispensable they will be sent back to their army or country, within such period and by such route as may accord with military necessity. They will carry with them such effects, instruments, arms, and horses as are their private property.

ART. 13. While they remain in his power, the enemy will secure to the personnel mentioned in article 9 the same pay and allowances to which persons of the same grade in his own army are entitled.

CHAPTER IV

MATÉRIEL

ART. 14. Mobile sanitary formations that have fallen into the power of the enemy shall retain their matériel and means of transportation of whatever kind, including teams and the personnel charged with their management.

Competent military authority, however, shall have the right to employ them in caring for the sick and wounded. The restoration of the matériel shall take place in accordance with the conditions prescribed for the sanitary personnel, and, as far as possible, at the same time.

ART. 15. Buildings and matériel pertaining to fixed establishments shall remain subject to the laws of war, but can not be diverted from their use so long as they are necessary for the sick and wounded. Commanders of troops engaged in operations, however, may use them, in case of important military necessity, if, before such use, the sick and wounded found in them have been provided for.

ART. 16. The matériel of aid societies admitted to the benefits of this convention in conformity to the conditions herein prescribed, is regarded as private property and, as such, will be respected under all circumstances save that it is subject to the recognized right of requisition by belligerents in conformity to the laws and usages of war.

CHAPTER V

CONVOYS OF EVACUATION

ART. 17. Convoys of evacuation shall be treated as movable sanitary formations subject to the following exceptions:

1. A belligerent intercepting a convoy may, if required by military necessity, vacate such convoy, charging himself with the care of the sick and wounded whom it contains.

2. In this case the obligation to return the sanitary personnel, as provided for in article 12, shall be extended to include the entire military personnel employed, under proper authority, in the transportation and protection of the convoy.

The obligation to return the sanitary matériel as provided for in article 14, shall apply to railway trains and vessels intended for interior navigation which have been especially equipped for evacuation purposes, together

with the equipment of such vehicles, trains, and vessels which belong to the sanitary service.

Military vehicles, with their teams, other than those belonging to the sanitary service, may be captured.

The civil personnel and the different means of transportation obtained by requisition, including railway matériel and vessels utilized for convoys, are subject to the general rules of international law.

CHAPTER VI

Distinctive Emblem

Art. 18. In homage to Switzerland the heraldic emblem of the red cross on a white ground, formed by the reversal of the federal colors, is continued as the emblem and distinctive sign of the sanitary service of armies.

Art. 19. This emblem appears on flags and brassards as well as upon all matériel appertaining to the sanitary service, with the permission of the competent military authority.

Art. 20. The personnel protected by the provisions of paragraph 1, of article 9, and articles 10 and 11, will wear attached to the left arm a red cross on a white ground, which will be issued and stamped by competent military authority, and accompanied by a certificate of identity in the case of persons attached to the sanitary service of armies who do not have military uniform.

Art. 21. The distinctive flag of the convention can only be displayed with the consent of the military authorities over sanitary formations and establishments whose protection it secures. It shall be accompanied by the national flag of the belligerent to whose service the formation or establishment is attached.

Sanitary formations which have fallen into the power of the enemy, however, shall fly no other flag than that of the Red Cross so long as they continue in that situation.

Art. 22. Neutral sanitary formations which, under the conditions set forth in article 11, have been authorized to render their services shall fly, with the flag of the convention, the national flag of the belligerent to which they are attached. The provisions of the second paragraph of the preceding article are applicable to them.

Art. 23. The emblem of the red cross on a white ground and the words *Red Cross* or *Geneva Cross* can only be used, whether in time of peace or war, to protect or designate sanitary formations and establishments, the personnel and matériel protected by the convention.

CHAPTER VII

Application and Execution of the Convention

Art. 24. The provisions of the present convention are obligatory on the contracting powers only, in case of war between two or more of them. The said provisions shall cease to be obligatory from the time when one of the belligerent powers should not be signatory to the convention.

Art. 25. The commanders in chief of the belligerent armies shall have to provide for the details of execution of the foregoing articles, as well as for unforeseen cases, in accordance with the instructions of their respective governments, and conformably to the general principles of this convention.

Art. 26. The signatory governments shall take the necessary steps to acquaint their troops, and particularly the protected personnel, with the provisions of this convention and to make them known to the people at large.

CHAPTER VIII

Repressions of Abuses and Infractions

Art. 27. The signatory powers whose legislation is not now adequate engage to take or recommend to their legislatures such measures as may be necessary to prevent the use, by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or name of the Red Cross or Geneva Cross, particularly for commercial purposes by means of trade-marks.

The prohibition of the use of the emblem or name as above shall be enforced at and from the time set by each legislation, and not later than five years after this convention goes into effect. Upon the said going into effect, it shall be unlawful to use a trade-mark or commercial label contrary to such prohibition.

Art. 28. In the event of their military penal laws being insufficient, the signatory governments also engage to take, or to recommend to their legislatures, the necessary measures to repress, in time of war, individual acts of pillage and ill treatment of the sick and wounded of the armies, as well as to punish, as usurpations of military insignia, the wrongful use of the flag and brassard of the Red Cross by military persons or private individuals not protected by the present convention.

They will communicate to each other through the Swiss Federal Council the measures taken with a view to such repression, not later than five years from the ratification of the present convention.

GENERAL PROVISIONS

ART. 29. The present convention shall be ratified as soon as possible. The ratifications will be deposited at Berne.

A record of the deposit of each act of ratification shall be prepared, of which a duly certified copy shall be sent, through diplomatic channels, to each of the contracting powers.

ART. 30. The present convention shall become operative, as to each power, six months after the date of deposit of its ratification.

ART. 31. The present convention, when duly ratified, shall supersede the Convention of August 22, 1864, in the relations between the contracting states.

The Convention of 1864 remains in force in the relations between the parties who signed it but who should not also ratify the present convention.

ART. 32. The present convention may, until December 31, proximo, be signed by the powers represented at the conference which opened at Geneva on June 11, 1906, as well as by the powers not represented at the conference who have signed the Convention of 1864.

Such of these powers as shall not have signed the present convention on or before December 31, 1906, will remain at liberty to accede to it after that date. They shall signify their adhesion in a written notification addressed to the Swiss Federal Council, and communicated to all the contracting powers by the said Council.

Other powers may request to adhere in the same manner, but their request shall only be effective if, within the period of one year from its notification to the Federal Council, such Council has not been advised of any opposition on the part of any of the contracting powers.

ART. 33. Each of the contracting parties shall have the right to denounce the present convention. This denunciation shall only become operative one year after a notification in writing shall have been made to the Swiss Federal Council, which shall forthwith communicate such notification to all the other contracting parties.

This denunciation shall only become operative in respect to the power which has given it.

In faith whereof the plenipotentiaries have signed the present convention and affixed their seals thereto.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall be delivered through the diplomatic channel to the contracting parties.

[Here follow the signatures.]

FINAL PROTOCOL OF THE CONFERENCE FOR THE REVISION OF THE GENEVA CONVENTION

The conference convened by the Swiss Federal Council with a view to the revision of the international Convention of August 22, 1864, for the amelioration of the condition of soldiers wounded in the field, met at Geneva on June 11, 1906. The powers hereinafter enumerated took part in the conference, for which they had named the following delegates:

[Names of countries and delegates.]

In a series of meetings held between the 11th of June and the 5th of July, 1906, the conference discussed and decided upon the text of a convention to bear date of July 6, 1906, for submission to the plenipotentiaries for their signatures.

In addition thereto, and in conformity with article 16 of the convention for the pacific settlement of international disputes of the 29th of July 1899, which has recognized arbitration as the most efficacious, and at the same time the most equitable means of settling litigations which have not been determined through the diplomatic channels, the conference has expressed the following *vœu:*

The conference expresses the hope that, to reach an interpretation and an application as exact as possible of the Convention of Geneva, the contracting powers shall submit to the Permanent Court of The Hague, if the case or the circumstances lend themselves thereto, the differences which in time of peace may be raised between them in relation to the interpretation of the said convention.

This *vœu* was voted for by the following States:

Germany, Argentine Republic, Austria-Hungary, Belgium, Bulgaria, Chile, China, Congo, Denmark, Spain (ad referendum), United States of America, United States of Brazil, France, Greece, Guatemala, Honduras, Italy, Luxemburg, Montenegro, Nicaragua, Norway, the Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland, and Uruguay.

The *vœu* was rejected by the following States:

Korea, Great Britain, and Japan.

In faith whereof the delegates have signed the present protocol.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall be delivered to the contracting parties through diplomatic channels.

[Signatures.]

INDEX — DIGEST

ABBREVIATIONS

a . . . . . annex
D.B. . . . . Project of an International Declaration Concerning the Laws and Customs of War, adopted by the Conference of Brussels, August 27, 1874.
G.C. 1864 . . Geneva Convention of 1864.
G.C. 1868. Ad. Additional articles of 1868.
G.C. 1906 . . Geneva Convention of 1906.
H.C. 1899 . . Hague Conference of 1899.
H.C. 1907 . . Hague Conference of 1907.
H.S. . Convention regarding Hospital Ships, signed at The Hague, December 21, 1904
L. . . . . General Orders No. 100 or Instructions for the Government of Armies of the United States in the Field, April 24, 1863. Compiled by Francis Lieber.
m . . . . modified (appears where articles of H.C. 1907 are modified forms of same articles in H.C. 1899).
n . . . . new (appears where articles are new in H.C. 1907, though the conventions in which they appear are revised from H.C. 1899).
O.M. . . . Law of War on Land ("Oxford Manual"), 1880.
Paris . . . Declaration of Paris, 1856.
r . . . . . revised (appears after conventions of H.C. 1907 which were revised from those of H.C. 1899).
St. P. . . . Declaration of St. Petersburg, 1868.

The Roman numerals in the references to H.C. 1899 and H.C. 1907 refer to the numbers of the conventions as given in the final acts, pp. 18 and 135.

The Arabic numerals in italics refer to the article numbers of the various conventions.

Abuse of distinctive badges of Geneva Convention is forbidden, D.B. XIII. (f), 384

Abuse, of flag of truce is forbidden, D.B. XIII. (f), 384; of his position by bearer of flag of truce subjects him to detention, O.M. II. *30*, 393; of uniform of enemy is forbidden, D.B. XIII. (f), 384

Acknowledgment of rebel government is not implied by adopting rules of war in treating with rebels, L. X. 152, L. X. *153*, 374, 375

Act, Final, of the Peace Conference of 1899, 6; Final, of the Peace Conference of 1907, 112; to remind disputants of the existence of permanent court of arbitration is a friendly, H.C. 1899. I. *27*, 34; H.C. 1907. I. *48*, 175; neutral power using rights secured to it by H C 1907. XIII.; is not committing an unfriendly, H.C. 1907. XIII. *26*, 327; powers, strangers to dispute, offering mediation even during the course of hostilities, are not committing an unfriendly, H.C. 1899. II. *3*, 25; H.C. 1907. I. *3*. 157

Acts enacted by countries concerning status of belligerent war ships should be notified to all powers signatory to convention, H.C. 1907. XIII. *27*, 328

Adaptation to naval war of the principles of the Geneva Convention, Convention for the, H.C. 1899. III. 18, 71; H.C. 1907. X. (r), 136, 267; ratified (note), 281

Additional Articles of 1868 (*i.e.*, to Geneva Convention of 1864), 378

Adhesion of non-signatory states to First Peace Conference conventions, Netherland minister to secretary of state, arranging for, 110; Russian ambassador to secretary of state, regarding, 106; special arrangements in H.C. 1899. I regarding, H.C. 1899. I. *60*, 44

Adjustment of international differences, convention for peaceful, H.C. 1899. I. 18, 21

Administration of territory, occupant of enemy country can levy additional money taxes only for army needs and for, H.C. 1899. II. a. *49*, 67; H.C. 1907. IV. a. *49*, 226

Administration, services by neutral in police or civil administration are not unneutral acts, H.C. 1907. V. *18*, 236
Administrative council at The Hague, permanent, composed of diplomatic representatives of the powers, H.C. 1899. I. *28*, 34; controls international bureau, H.C. 1899. I. *28*, 34; duties of, H.C. 1899. I. *28*, 34; H.C. 1907. I. *49* (m), 175; fulfills same duties for international prize court as for permanent court of arbitration, H.C. 1907. XII. *22*, 300; fulfills same duties for judicial arbitration court as for permanent of arbitration, H.C. 1907. a. *12*, 146
Administrator, occupant of enemy territory is only provisional administrator of real property, buildings, forests, etc., of enemy state, O.M. II. *52*, 396
Adoption of rules of war in dealing with rebels does not imply recognition of their government, L. X. *152*, 374; L. X. *153*, 375
Adoption of rules of war in dealing with rebels does not prevent trial of leaders for treason, L. X. *154*, 375
Advice, good offices and mediation have exclusively the character of, H.C. 1899. I. *6*, 25
Aeronauts are prisoners of war, O.M. II. *20*, 392; are not spies, O.M. II. *23*, 392
Agents, parties may appoint agents before international prize court, H.C. 1907. XII. *25*, 300; permanent court of arbitration, H.C. 1899. I. *37*, 38; H.C. 1907. I. *62*, 180
Agreements between belligerents must not be broken, L. I. *11*, 352; concerning sick and wounded may be entered into, special, G.C. 1906. *2*, 404
Agricultural works belonging to the state, treatment of, H.C. 1899. II. a. *55*, 69
Aid in caring for wounded, neutrality guaranteed to inhabitants who, G.C. 1864. V. 377; G.C. 1868. Ad. IV. 378; O.M. II. *17*, 392
Aid societies, volunteer, are protected when under military regulations, G.C. 1906. *10*, 405; material is private property but may be requisitioned, G.C. 1906. *16*, 406; names of societies on each side must be notified to other belligerent, G.C. 1906. *10*, 405; neutral societies can lend aid to one belligerent if other is notified, G.C. 1906. *11*, 405; personnel of societies may continue operations after falling into hands of enemy, G.C. 1906. *12*, 405; personnel no longer needed will be sent back to their army or country, G.C. 1906. *12*, 405.
Allegiance, during rebellion, demanding oath of, L. X. *156*, 375
Allegiance to occupying enemy, inhabitants of occupied territory need not swear, D.B. XXXVII. 387; O.M. II. *47*, 395; H.C. 1907. IV. a. *45*, 226; local magistrates may be compelled to take oath of, L. I. *26*, 355
Ambassador, during martial law, L. I. *9*, 352; secretary of state to Russian, acknowledging note of Russia offering to call second conference, 99; secretary of state to Russian, objecting to date proposed for second conference because of conflict with Rio de Janeiro conference, 101; to secretary of state, Russian, gives list of reservations to programme proposed by powers, 108; to secretary of state, Russian, regarding adhesion of states not present at first conference to first conventions, 106; to secretary of state, Russian, suggests programme, for second conference, 103; when he may receive safe-conduct, L. V. *87*, 365
Ambulances are neutral, O.M. II. *35*, 394; except when held by military force, G.C. 1864. I. 376; O.M. II. *37*, 394; this does not preclude police force, O.M. II. *37*, 394
Ambulances include field hospitals, G.C. 1868. Ad. III. 378
Ambulances may retain equipment upon withdrawing, G.C. 1864. IV. 377; O.M. II. *38*, 394
Ambulances must fly national flag with red cross flag, O.M. II. *40*, 394
Ambulances shall adopt flag and brassard, red cross on white ground, G.C. 1864. VII. 377; O.M. II. *40*, 394
Ambulances, staff of ambulances is neutral, G.C. 1864. II. 376; may remain after occupation by enemy, G.C. 1864. III. 376; G.C. 1868. Ad. I. 378; O.M. II. *12*, 391; O.M. II. *13*, 391; O.M. II. *14* (time of departure), 391
Amelioration of the condition of the sick and wounded of armies in the field, convention for the, G.C. 1864. 376; G.C. 1906. 402
America, United States of, reservation to H.C. 1899. I. 90; H.C. 1907. I. 340
American soldier in hostile country punishable at home, crimes by an, L. II. *47*, 359
Ammunition, neutral state cannot supply ammunition to belligerent, H.C. 1907. XIII. *6*, 320

Amount of claim, award in arbitration of contract debts shall determine, H.C. 1907. II. *2*, 195
Anchored submarine mines must be laid so as to secure safety of peaceful shipping, H.C. 1907. VIII. *3*, 253; must become harmless as soon as they break loose, H.C. 1907. VIII. *1*, 253
Annual report of judicial arbitration court shall be made to powers and judges, H.C. 1907. a. *15*, 147
Apothecaries are not prisoners of war, L. III. *53*, 360
Appeal to international prize court decided by local law, after decision of national prize court method of, H.C. 1907. XII. *6*, 293; of other parties, H.C. 1907. XII. *33*, 304; respondent receives copy of, H.C. 1907. XII. *32*, 304
Arbitral award, report of international commission of inquiry is not an, H.C. 1899. I. *14*, 28; H.C. 1907. I. *35*, 168
Arbitration, compulsory, H.C. 1907 admits principle of, H.C. 1907. 137
Arbitration court, judicial, Vœu concerning, H.C. 1907. 139; competency and procedure of, H.C. 1907. a. 148; contracting powers only may apply to, H.C. 1907. a. *21*, 150; costs, how paid, H.C. 1907. a. *29*, 152; court follows rules in H.C. 1907. I., except so far as this convention provides, H.C. 1907. a. *22*, 150; court may deal with all cases submitted in virtue of special or general treaties, H.C. 1907. a. *17*, 148; decision is made by majority, H.C. 1907. a. *27*, 152; is signed by president and registrar, H.C. 1907. a. *28*, 152; must contain names of judges taking part, H.C. 1907. a. *28*, 152; must give reasons, H.C. 1907. a. *28*, 152; delegation can decide cases by summary procedure, H.C. 1907. a. *18*, 148; each party nominates a judge to the, H.C. 1907. a. *20*, 150; if acting as commission of inquiry, each party may nominate any person to the, H.C. 1907. a. *20*, 150; may draw up compromis if parties agree, H.C. 1907. a. *19*, 149; or in case of dispute governed by general treaty, H.C. 1907. a. *19*, 149; or in case of dispute originating from contract debts, H.C. 1907. a. *19*, 149; may hold inquiry, H.C. 1907. a. *18*, 148; method of voting in, H.C. 1907. a. *30*, 153; discussions are under control of presiding officer, H.C. 1907. a. *26*, 152; expenses of the court are borne by the powers, H.C. 1907. a. *31*, 153; international bureau serves as channel for communications to judges, H.C. 1907. a. *24*, 151; languages to be used, court determines, H.C. 1907. a. *23*, 151; modifications to present convention, court may propose, H.C. 1907. a. *33*, 153; notices to be served, how, H.C. 1907. a. *25*, 151; procedure, court draws up its own, H.C. 1907. a. *32*, 153; proceedings are secret, H.C. 1907. a. *27*, 152; constitution of the, H.C. 1907. a. *1*, 141; administrative council of permanent court of arbitration exercises same functions with respect to judicial court of arbitration, H.C. 1907. a. *12*, 146; agreement to constitute, H.C. 1907. a. *1*, 141; annual report shall be made to powers and judges, H.C. 1907. a. *15*, 147; delegation, organization of the, H.C. 1907. a. *6*, 143; international bureau acts as registry to court, H.C. 1907. a. *13*, 146; judges and deputy judges, character of, H.C. 1907. a. *2*, 142; judges and deputy judges, method of ranking, H.C. 1907. a. *4*, 143; judges and deputy judges shall serve 12 years, H.C. 1907. a. *3*, 142; judges can not be counsel for party before the court, H.C. 1907. a. *7*, 144; judges can not decide cases in which they have previously taken part, H.C. 1907. a. *7*, 144; judges, compensation for, H.C. 1907. a. *9*, 145; judges enjoy diplomatic privileges, H.C. 1907. a. *5*, 143; judges may also be judges of international prize court, H.C. 1907. a. *16*, 147; judges receive no compensation from own or other government, H.C. 1907. a. *10*, 145; judges required to take oath, H.C. 1907. a. *5*, 143; meetings of court, H.C. 1907. a. *14*, 147; president of court, how elected, H.C. 1907. a. *8*, 144; sits at The Hague, H.C. 1907. a. *11*, 146; sits elsewhere with consent of parties, H.C. 1907. a. *11*, 146; vacancy, manner of filling, H.C. 1907. a. *3*, 142; disputes of certain kinds are submissible without restriction to, H.C. 1907. 137
Arbitration, international, H.C. 1899. I. 28; H.C. 1907. I. 169; and *see* Arbitration procedure, international arbitration system, international commissions of inquiry, international prize court, judicial arbitration court, permanent arbitration court, summary arbitration procedure; is most effective in questions of a legal nature and in the interpretation of international

conventions, H.C. 1899. I. *16*, 29; H.C. 1907. I. *38*, 169; object of international, H.C. 1899. I. *15*, 28; H.C. 1907. I. *37*, 169; of contract debts, award shall determine validity, amount, and time of payment of claim in, H.C. 1907. II. *2*, 195

Arbitration, permanent court of, *see* Administrative council; arbitrators, each power shall select four, H.C. 1899. I. *23*, 31; H.C. 1907. I. *44*, 171; death of judge, vacancy shall be filled in manner of election in case of, H.C. 1899. I. *23*, 32; H.C. 1907. I. *44*, 172; and for fresh period of six years, H.C. 1907. I. *44* (m), 172; international bureau, *see* international bureau; disputant can address note indicating willingness to arbitrate to, H.C. 1907. I. *48* (n), 175; is at disposal of any board of arbitration, H.C. 1899. I. *26*, 33; H.C. 1907. I. *47* (m), 174; shall be record office of court, H.C. 1899. I. *22*, 30; H.C. 1907. I. *43*, 171; judge, several powers may select the same, H.C. 1899. I. *23*, 32; H.C. 1907. I. *44*, 172; judges, enrollment of, H.C. 1899. I. *23*, 31; H.C. 1907. I. *44* (m), 172; maintenance of, H.C. 1907. I. *41* (m), 170; members have diplomatic immunities, H.C. 1899. I. *24*, 33; H.C. 1907. I. *46*, 174; method of calling, H.C. 1899. I. *24*, 33; H.C. 1907. I. *46* (m), 173; method of forming, H.C. 1899. I. *24*, 32; H.C. 1907. I. *45* (m), 172; non-signatory powers may take advantage of the court by agreement, H.C. 1899. I. *26*, 33; H.C. 1907. I. *47* (m), 174; organization of court undertaken, H.C. 1899. I. *20*, 30; permanent court shall be competent unless special tribunal is created, H.C. 1899. I. *21*, 30; H.C. 1907. I. *42*, 170; sits at The Hague, H.C. 1907. I. *43* (n), 171; six years is term of judges, H.C. 1899. I. *23*, 32; H.C. 1907. I. *44*, 172; third power may remind disputants of existence of, H.C. 1899. I. *27*, 34; H.C. 1907. I. *48* (m), 174; this is not an unfriendly act, H.C. 1899. I. *27*, 34; H.C. 1907. I. *48*, 175; powers should have recourse to international, H.C. 1907. I. *38* (n), 169

Arbitration procedure, agents and counsel may be retained by each party before the tribunal, H.C. 1899. I. *37*, 38; H.C. 1907. I. *62*, 180; arbitrator, selection of, H.C. 1899. I. *32*, 36; H.C. 1907. I. *55*, 179; arbitration procedure when sovereign is arbitrator, H.C. 1899. I. *33*, 37; H.C. 1907. I. *56*, 179; award of tribunal binds only powers signing compromis, H.C. 1899. I. *56*, 43; H.C. 1907. I. *84*, 187; award of tribunal is read in public, H.C. 1899. I. *53*, 42; H.C. 1907. I. *80*, 186; may be revised, if the right is reserved in the compromis, H.C. 1899. I. *55*, 42; H.C. 1907. I. *83*, 186; must give reasons, H.C. 1899. I. *52*, 41; H.C. 1907. I. *79*, 186; must have signature of all members, H.C. 1899. I. *52*, 41; must have signature of president and registrar, H.C. 1907. I. *79* (m), 186; puts an end to dispute without appeal, H.C. 1899. I. *54*, 42; H.C. 1907. I. *81*, 186; shall be referred to tribunal in case of dispute as to execution, H.C. 1907. I. *82* (n), 186; commission forms tribunal when it draws up compromis, H.C. 1907. I. *58* (n), 180; compromis defined, H.C. 1899. I. *31*, 36; H.C. 1907. I. *52* (m), 177; is made by commission of five members if left to the court, H.C. 1907. I. *54* (n), 179; permanent court may, if both parties agree, settle, H.C. 1907. I. *53* (n), 177; permanent court may, at the request of one of the disputants, settle compromis in case of general arbitration treaty or dispute on contract debts, H.C. 1907. I. *53* (n), 178; counsel may present arguments orally, H.C. 1899. I. *45*, 40; H.C. 1907. I. *70*, 183; counsel may raise objections, H.C. 1899. I. *46*, 40; H.C. 1907. I. *71*, 183; death of arbitrator, position filled in same manner as he was elected, H.C. 1899. I. *35*, 37; H.C. 1907. I. *59*, 180; decision of tribunal is by majority, H.C. 1899. I. *51*, 41; H.C. 1907. I. *78*, 185; decision of tribunal on objections raised by counsel is final, H.C. 1899. I. *46*, 40; H.C. 1907. I. *71*, 183; deliberation of tribunal is private, H.C. 1899. I. *51*, 41; and proceedings are secret, H.C. 1907. I. *78* (m), 185; discussion, H.C. 1899. I. *39*, 38; H.C. 1907. I. *63*, 182; close of, H.C. 1899. I. *50*, 41; H.C. 1907. I. *77*, 185; how conducted, H.C. 1899. I. *41*, 39; H.C. 1907. I. *66*, 182; documents produced must be communicated to opponent, H.C. 1899. I. *40*, 39; certified copies of, H.C. 1907. I. *64* (m), 182; expenses of tribunal, how borne, H.C. 1899. I. *57*, 43; H.C. 1907. I. *85*, 188; information, parties agree to furnish all necessary, H.C. 1907. I. *75* (n), 184; intervening powers are bound by award, H.C. 1899. I.

56, 43; H.C. 1907. I. *84*, 187; intervening powers, states affected by the tribunal's interpretation of a convention may become, H.C. 1899. I. *56*, 43; H.C. 1907. I. *84*, 187; judges may not be agents, counsel, or advocates, except for power which appointed them, H.C. 1907. I. *62* (n), 181; languages to be used decided upon by tribunal, H.C. 1899. I. *38*, 38; if compromis does not provide therefor, H.C. 1907. I. *61*, 180; members of tribunal may put questions and ask explanations, but these are not expression of court's opinion, H.C. 1899. I. *47*, 40; H.C. 1907. I. *72*, 183; notices to be served on territory of a third state, shall be served by that state at request of tribunal, H.C. 1907. I. *76* (n), 185; preliminary proceedings, H.C. 1899. I. *39*, 38; H.C. 1907. I. *63* (m), 181; new documents can be submitted only with consent of opponent after, H.C. 1899. I. *42*, 39; H.C. 1907. I. *67*, 182; president of tribunal, how chosen, H.C. 1899. I. *34*, 37; H.C. 1907. I. *57*, 179; revision, method of demanding, H.C. 1899. I. *55*, 42; H.C. 1907. I. *83*, 186; rules in this convention shall apply in default of others, H.C. 1899. I. *30*, 36; H.C. 1907. I. *51* (m), 177; tribunal does not meet till pleadings are closed, H.C. 1907. I. *65* (n), 182; is competent to interpret compromis and apply international law, H.C. 1899. I. *48*, 40; H.C. 1907. I. *73*, 184; may consider and demand new documents, but must communicate same to opponent, H.C. 1899. I. *43*, 39; H.C. 1907. I. *68*, 183; may demand acts and explanations from parties, H.C. 1899. I. *44*, 40; H.C. 1907. I. *69*, 183; may issue rules of procedure, H.C. 1899. I. *49*, 41; H.C. 1907. I. *74*, 184; method of constitution, H.C. 1899. I. *32*, 36; H.C. 1907. I. *55* (m), 179; place of meeting can not be changed without consent of parties, H.C. 1899. I. *25*, 33; H.C. 1899. I. *36*, 37; H.C. 1907. I. *60*, 180; in territory of third power with latter's consent, H.C. 1907. I. *60* (n), 180; ordinarily at The Hague, H.C. 1899. I. *36*, 37; H.C. 1907. I. *60*, 180

Arbitration procedure, summary, H.C. 1907. I. (n), 188; agent, each party has, H.C. 1907. I. *89* (n), 189; arbitrators, method of selection, H.C. 1907. I. *87* (n), 188; oral explanations from agents or witnesses may be demanded by tribunal, H.C. 1907. I. *90* (n), 189; proceedings are written, H.C. 1907. I. *90* (n), 189; rules for, H.C. 1907. I. *86* (n), 188; time in which cases must be submitted, tribunal determines, H.C. 1907. I. *88* (n), 189; witnesses, each party may summon, H.C. 1907. I. *90* (n), 189

Arbitration system, international, most effective in questions of a legal nature and in the interpretation of international conventions, H.C. 1899. I. *16*, 29; H.C. 1907. I. *38*, 169; object of international arbitration, H.C. 1899. I. *15*, 28; H.C. 1907. I. *37*, 169; obligation to submit to award, H.C. 1899. I. *18*, 29; H.C. 1907. I. *37* (m), 69; powers should have recourse to international arbitration, H.C. 1907. I. *38* (n), 169; right reserved to conclude special or general arbitration treaties, H.C. 1899. I. *19*, 29; H.C. 1907. I. *40*, 170; subjects embraced by convention, H.C. 1899. I. *17*, 29; H.C. 1907. I. *39*, 169

Arbitrator, selection of, H.C. 1899. I. *32*, 36; H.C. 1907. I. *55*, 179

Arbitrators, method of selection, H.C. 1907. I. *87* (n), 188; powers shall each select four persons to act as, H.C. 1899. I. *23*, 31; H.C. 1907. I. *44* (m), 171

Argentina, reservation to, H.C. 1907. II. 341; reservation to, H.C. 1907. V. 344

Armaments, limitation of. *See* Limitation of armaments

Arm band (brassard), O.M. II. *16*, 392; neutralized persons shall wear, O.M. II. *16*, 392; red cross upon, G.C. 1906. *19*, 407; private hospital ship's staff shall wear, G.C. 1858. Ad. XIII. 380; wearers shall carry certificate of identification, G.C. 1906. *20*, 407; who shall wear, G.C. 1906. *20*, 407; ambulances, hospitals, and evacuations, G.C. 1864. VII. 377; O.M. II. *40*, 394

Armed force, crews of public armed ships, and ships for warlike purposes are part of, O.M. I. *2*, 390; defined, O.M. I. *2*, 389; landsturm is part of, O.M. I. *2*, 389; national guard is part of, O.M. I. *2*, 389; militia is part of, O.M. I. *2*, 389; must follow laws of war, O.M. I. *3*, 390; needless severity forbidden by, O.M. I. *4*, 390; limitation of, H.C. 1899. 20. *See* Limitation of armaments

Armed land forces, instructions in accordance with convention regarding laws and customs of war on land, shall be issued to, H.C. 1899. II. *1*, 48; H.C. 1907. IV. *1*, 205

Armed prowlers, L. IV. 364; not entitled to privileges of prisoners of war, L. IV. *84*, 365
Armies, signatory powers shall issue instructions in accordance with laws and customs of war on land to, H.C. 1899. II. *1*, 48; H.C. 1907. IV. *1*, 205
Armies in the field, convention for the amelioration of the condition of the sick and wounded of, G.C. 1906. 402; Geneva convention of August 22, 1864, for the amelioration of the condition of the sick and wounded of, G.C. 1864. 376; municipal law of no effect on, L. II. *41*, 358
Armies of the United States in the field, instructions for the Government of, L. 350
Armistice, besieged may perhaps repair during, L. VIII. *143*, 373; besieger may not improve works during, L. VIII. *143*, 373; breach of, by one party releases the other, L. VIII. *145*, 373; officer alone responsible who orders breach, L. VIII. *146*, 373; commencement of, L. VIII. *139*, 372; defined, L. VIII. *135*, 372; D.B. XLVII. 388; H.C. 1899. II. a. *36*, 64; H.C. 1907. IV. a. *36*, 223; extent of, and effect of conditions in, L. VIII. *136*, 372; general, L. VIII. *137*, 372; general or local, D.B. XLVIII. 388; H.C. 1899. II. a. *37*, 64; H.C. 1907. IV. a. *37*, 224; intercourse during armistice is suspended unless otherwise provided, L. VIII. *141*, 372; motives do not affect validity of, L. VIII. *138*, 372; must be notified at once to competent authorities and troops, D.B. XLIX. 388; H.C. 1899. II. a *38*, 64; H.C. 1907. IV. a. *38*, 224; must be scrupulously observed, O.M. I. *5*, 390; peace is not synonymous with, L. VIII. *142*, 373; period of, definite, L. VIII. *137*, 372; indefinite, L. VIII. *137*, 372; ratification by superior authority is necessary, L. VIII. *140*, 372; special, L. VIII. *137*, 372; terms must determine relations between local inhabitants, D.B. L. 388; H.C. 1899. II. a. *39*, 64; H.C. 1907. IV. a. *39*, 224; treaty of peace negotiations need not be accompanied by armistice, if they are not, war continues, L. VIII. *147*, 373; violation by one party gives other right to denounce, D.B. LI. 388; H.C. 1899. II. a. *40*, 64; H.C. 1907. IV. a. *40*, 224; violation by private individuals gives right to demand punishment thereof and compensation, D.B. LII. 388; H.C. 1899. II. a. *41*, 65; H.C. 1907. IV. a. *41*, 225
Arms, captured officers must give up side, L. III. *73*, 363; causing unnecessary suffering forbidden, D.B. XIII. (e), 384; O.M. II. *9* (a), 391; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; *see* St. P.; do not remain property of prisoners of war, D.B. XXIII. 385; O.M. II. *64*, 397; H.C. 1899. II. a. *4*, 52; H.C. 1907. IV. a. *4*, 211; neutral power need not prevent export and transport of, H.C. 1907. V. *7*, 232; occupant of territory shall take possession of, D.B. VI. 383; O.M. II. *50*, 395; H.C. 1899. II. a. *53*, 68; H.C. 1907. IV. a. *53*, 228; even if property of private individuals, but latter shall be restored at end of war and compensation made, H.C. 1899. II. a. *53*, 68; H.C. 1907. IV. a. *53*, 228; poisoned, are forbidden, H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219; taken from wounded, if found in sanitary formation, do not cause it to forfeit its protection, G.C. 1906. *8*, 405
Army designation is forbidden, concealing, O.M. II. *8* (c), 390; moveable public property seized by victorious, L. II. *31*, 356; of occupation can not force local citizens into its service, L. II. *33*, 356; unless occupation is permanent, L. II. *33*, 356; public money seized by victorious, L. II. *31*, 356; revenues of real property sequestered by victorious, L. II. *31*, 356
Art, armies of the United States shall not privately appropriate works of, L. II. *36*, 357; armies of the United States shall not sell or give away, L. II. *36*, 357
Art, during bombardment besieged must designate buildings devoted to, D.B. XVII. 384; O.M. II. *34*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 221; H.C. 1907. IX. *5* (by naval forces), 262; besiegers must spare as far as possible buildings devoted to, D.B. XVII. 384; O.M. II. *33*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 220; H.C. 1907. IX. *5* (by naval forces), 262; occupant of territory shall treat as private property the property of establishments devoted to, D.B. VIII. 383; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229; property of art establishments cannot be seized, destroyed, or intentionally damaged, O.M. II. *53*, 396; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*,

229; title to works of art removed by victor shall be settled by treaty, L. II. *36*, 357; victor may remove works of, L. II. *36*, 357; works of, must be protected, L. II. *35*, 356
Article, excluded, H.C. 1899. III. *10*, 77
Articles, additional, of 1868, 378
Asphyxiating or deleterious gases, prohibition of diffusion of, H.C. 1899. *19*, 81
Assassination is forbidden, L. IX. *148*, 374; O.M. II. *8* (b), 390
Assessor. *See* under International Prize Court
Attorneys, who may act for private individuals before international prize court as, H.C. 1907. XII. *26*, 301
Austria-Hungary, reservation to, H.C. 1907. IV. 343
Automatic submarine contact mines, convention relative to the laying of, H.C. 1907. VIII. *136*, 252; ratified (note), 259
Award. *See* Arbitration procedure; in arbitration of contract debts the validity, amount, and time of payment of claim shall be determined by, H.C. 1907. II. *2*, 195; powers agree not to use force in collecting contract debts except when debtor refuses to arbitrate or carry out, H.C. 1907. II. *1*, 194

Balloons, declaration prohibiting launching of projectiles and explosives from, H.C. 1899. 19, 79; H.C. 1907. XIV. 136, 332; ratified (note), 334.
Belligerent armies, intercourse between territories occupied by, L. V. *86*, 365; army, neutral power is not responsible if persons cross frontier singly to join, H.C. 1907. V. *6*, 232; can not compel nationals of enemy to take part against their country, H.C. 1907. IV. a. *23* (n), 220; can not erect telegraph station on neutral territory or use one so erected before the war for military purposes, H.C. 1907. V. *3*, 231; H.C. 1907. V. *5*, 232; can not have more than three war ships in harbor of neutral at one time, H.C. 1907. XIII. *15*, 323; can not move troops or munitions of war across neutral territory, H.C. 1907. V. *2*, 231; H.C. 1907. V. *5*, 232; captor exercises jurisdiction in first instance over captured prize, H.C. 1907. XII. *2*, 290; if capture of prize is judged valid, vessel is disposed of according to law of captor, H.C. 1907. XII. *8*, 294; interested neutral has right of appointing naval officer as assessor in international prize court, H.C. 1907. XII. *18*, 298; shall care for sick and wounded whatever their nationality, G.C. 1906. *1*, 403; shall protect sick and wounded on the field after battle, G.C. 1906. *3*, 404; commanders of fleets will carry out, H.C. 1907. X.; H.C. 1907. X. *19* (n), 276; controls hospital ships, H.C. 1899. III. *4*, 75; H.C. 1907. X. *4*, 269; converting merchant ship into war ship must announce the fact, H.C. 1907. VII. *6*, 248; may appeal to neutral merchant ships and yachts to take sick and wounded, H.C. 1907. X. *9* (n), 272; may ask to have its judge admitted to international prize court, if it is not represented when a case comes up before the court, H.C. 1907. XII. *16*, 297; may declare its position regarding parole to other belligerent, L. VIII. *132*, 371; may demand that sick and wounded on hospital ships, private yachts, etc., be handed over to it, H.C. 1907. X. *12* (n), 273; must institute bureau of information regarding prisoners of war, H.C. 1899. II. a. *14*, 56; H.C. 1907. IV. a. *14*, 215; must pay for support of interned troops by neutral, O.M. II. *81*, 399; H.C. 1907. V. *12*, 234; must remove submarine mines laid off its coast upon notification of their whereabouts from other belligerent, H.C. 1907. VIII. *5*, 254; must render mines harmless within limited time and notify danger zones to shippers, H.C. 1907. VIII. *3*, 253; neutral can not supply ammunition, war material of any kind to, H.C. 1907. XIII. *6*, 320; neutral loses neutrality by committing acts against, H.C. 1907. V. *17*, 235; neutral power need not forbid use of telegraph or telephone cables, public or private, to, H.C. 1907. V. *8*, 232; neutral state must intern troops which it receives from, D.B. LIII. 388; O.M. II.* *79*, 399; H.C. 1907. V. *11*, 233; neutrality secured by G.C. 1868, may be suspended if misused by one, G.C. 1868. Ad. XIV. 380; private hospital ships, fitted out by neutral citizens, will not be captured if under control of one, H.C. 1899. III. *3*, 74; H.C. 1907. X. *3* (m), 268; shipwrecked, sick, and wounded of one belligerent are prisoners of war in hand of other. Latter must decide what disposition will be made of them, H.C. 1899. III. *9*, 77; H.C. 1907. X. *14*, 274; war ship. *See* war ship, belligerent; vessels passing

through neutral waters do not affect neutrality, H.C. 1907. XIII. *10*, 321; who has violated laws of neutral in regard to neutral waters, may be prohibited from entering at all, H.C. 1907. XIII. *9*, 321; wounded and sick may pass through neutral state with its consent, H.C. 1899. II. a. *59*, 70; H.C. 1907. V. *14*, 234

Belligerents, after engagement shall take care of shipwrecked, sick and wounded, prevent ill treatment of, and examine the dead before burial, H.C. 1907. X. *16* (n), 275; and neutrals, vœu concerning commercial and industrial relations between, H.C. 1907, 139; are limited as to means of injuring enemy, D.B. XII. 384; H.C. 1899. II. a. *22*, 59; H.C. 1907. IV. a. *22*, 218; may control private hospital ships, G.C. 1868. Ad. XIII. 382; must respect rights of neutrals, H.C. 1907. XIII. *1*, 319; neutrals must show impartial treatment to, H.C. 1907. XIII. *9*, 321; H.C. 1907. V. *9*, 232; shall inform each other of changes in dead and wounded prisoners of war in their possession, H.C. 1907. X. *17* (n), 275; G.C. 1906. *4*, 404; shall not break agreements made with each other, L. I. *11*, 352; shall protect sanitary formations and establishments, G.C. 1906. *6*, 404; shall send marks of identification of dead, and description of sick and wounded to each other, G.C. 1906. *4*, 404; H.C. 1907. X. *17* (n), 275

Besieged may perhaps repair works during armistice, L. VIII. *143*, 373

Besiegers, may not improve works during armistice, L. VIII. *143*, 373; may request that hospitals be designated by besieged, L. VI. *116*, 369

Betrayal of information by citizen of the United States, L. V. *89*, 366

Blockade, must be effective, Paris, 349; postal correspondence on neutral or enemy ship is inviolable, unless intended for blockaded port in violation of, H.C. 1907. XI. *1*, 282

Bolivia, reservation to, H.C. 1907. II, 341

Bombarded, requisitions may be demanded for immediate necessities in proportion to resources, must be paid for in cash or receipts given; if refused town may be, H.C. 1907. IX. *3*, 261

Bombardment, buildings devoted to religion, art, science, charity, hospital service, historical purposes, should be designated by besieged during, D.B. XVII. 384; O.M. II. *34*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 221; H.C. 1907. IX. *5*, 263; buildings devoted to religion, art, science, charity, hospital service, historical purposes, should be spared by besiegers during, D.B. XVII. 384; O.M. II. *33*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 220; H.C. 1907. IX. *5*, 262; by naval forces in time of war, convention respecting, H.C. 1907. IX. 136, 259; ratified (note), 266; of towns, vœu concerning, H.C. 1899, 21; by naval forces of undefended towns is forbidden, H.C. 1907. IX. *1*, 260; failure to pay money contributions will not permit, H.C. 1907. IX. *4*, 262; information of to allow removal of women and children, L. I. *19*, 354; notice must be given if possible, H.C. 1907. IX. *6*, 263; notice of not necessary, L. I. *19*, 354; notice of to local authorities, O.M. II. *32*, 393; notice should be given except in case of assault, D.B. XVI. 384; H.C. 1899. II. a. *26*, 60; H.C. 1907. IV. a. *26*, 220; of military or naval establishments, workshops, etc., is allowed, H.C. 1907. IX. *2*, 260; but commander must give notice if possible, H.C. 1907. IX. *2*, 260; and must protect town in bombarding such establishments, H.C. 1907. IX. *2*, 261; of town solely because there are mines in harbor is forbidden, H.C. 1907. IX. *1*, 260; of undefended towns is forbidden, D.B. XV. 384; O.M. II. *31*, 393; H.C. 1899. II. a. *25*, 60; H.C. 1907. IV. a. *25*, 220. *See* Bombardment by naval forces

Booty and captures, ownership is in government of captor, L. II. *45*, 358

Brassard. *See* Arm band

Brazil, reservation to, H.C. 1907. I. 340

Brigands, members of levies *en masse* are not, L. III. *52*, 360

Brussels, project of an International Declaration concerning the Laws and Customs of War, adopted by the Conference of, 382

Budgets, vœu concerning limitation of war, H.C. 1899. 20

Buildings, occupying state is usufructuary of public, D.B. VII. 383; H.C. 1899. II. a. *55*, 69; H.C. 1907, II. a. *55*, 229; provisional administrator of, O.M. II. *52*, 396

Bullets, prohibition of use of expanding, H.C. 1899. 19, 83; of use of explosive, St. P., 381

Bureau, international. *See* International Bureau
Bureau of information regarding prisoners of war, must be instituted by each belligerent, H.C. 1899. II. a. *14*, 56; H.C. 1907. IV. a. *14*, 215; shall have free postage, H.C. 1899. II. a. *16*, 57; H.C. 1907. IV. a. *16*, 217
Burial of prisoners of war, H.C. 1899. II. a. *19*, 58; H.C. 1907. IV. a. *19*, 218

Capitulation, capitulator must not destroy property in his possession after signing of, L. VIII. *144*, 373; conditions of, D.B. XLVI. 388; must be in accordance with military honor, H.C. 1899. II. a. *35*, 63; H.C. 1907. IV. a. *35*, 223; must be scrupulously observed, O.M. I. *5*, 390; H.C. 1899. II. a. *35*, 63; H.C. 1907. IV. a. *35*, 223
Captive, after conclusion of peace prisoners of war can not be kept, O.M. II. *73*, 398
Captor, officers among prisoners of war receive same pay as the officers of the army of the, H.C. 1907. IV. a. *17* (m), 217; this shall be returned by their government at the conclusion of peace, H.C. 1907. IV. a. *17*, 217; ownership of captures and booty is in the government of the, L. II. *45*, 358; parole need not be given by prisoner or, L. VII. *133*, 371; D.B. XXXII. 386; O.M. II. *77*, 398; H.C. 1899. II. a. *11*, 55; H.C. 1907. IV. a. *11*, 214; prisoners of war are not prisoners of individual but of government of, L. III. *74*, 363; O.M. II. *61*, 397; prisoners of war are under same rules as army of, H.C. 1899. II. a. *8*, 54; H.C. 1907. IV. a. *8*, 213; prisoners of war must reveal true rank to, L. VI. *107*, 368; prisoners of war shall be maintained by the government of the, and in the absence of agreement on a footing equal to the troops of the, D.B. XXVII. 386; O.M. II. *69*, 397; H.C. 1899. II. a. *7*, 53; H.C. 1907. IV. a. *7*, 212; ransom of prisoner of war can not be taken by individual, L. III. *74*, 363
Captors, sick and wounded of whatever nationality must be protected and cared for by, G.C. 1868. Ad. XI. 380; H.C. 1899. III. *8*, 76; H.C. 1907. X. *11*, 273
Capture, convention relative to certain restrictions with regard to the exercise of right of capture in naval war, H.C. 1907. XI. 136, 281; ratified (note), 288; of enemy, military necessity allows, L. I. *15*, 353
Captured, medical treatment of captured enemy, L. III. *79*, 364; messengers, treatment of, L. V. *99*, 367; L. V. *100*, 367; military vehicles may be, G.C. 1906. *17*, 407; officers must give up side arms, L. III. *73*, 363; private hospital ships can not be, H.C. 1899. III. *2*, 73; H.C. 1907. X. *2*, 268; vessel, medical, religious, and hospital staff of, are neutral, G.C. 1868. Ad. VIII. 379; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 272; may leave vessel after sick and wounded are removed, G.C. 1868. Ad. VIII. 379; may take private property with them, G.C. 1868. Ad. VIII. 379; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273
Cargo of enemy on enemy merchant vessels is detained under certain conditions, H.C. 1907. VI. *4*, 242
Cash, occupant of territory may take, O.M. II. *50*, 395; H.C. 1899. II. a. *53*, 68; H.C. 1907. IV. a. *53*, 228
Certificate, private hospital ships must bear, H.C. 1899. III. *2*, 74; H.C. 1907. X. *2*, 268; of identification must be carried by newspaper reporters, sutlers, contractors, accompanying army, D.B. XXXIV. 386; H.C. 1899. II. a. *13*, 55; H.C. 1907. IV. a. *13*, 215; and by wearers of arm bands, G.C. 1906. *20*, 407
Chaplains, are neutral, G.C. 1864. II. 376; G.C. 1864. III. (may remain after occupation), 376; G.C. 1864. Ad. I. 378; O.M. II. *12*, *13*, *14*, 391; are not prisoners of war, L. III. *53*, 360
Charitable establishments, are not public property to be appropriated by victor, L. II. *34*, 356; may be taxed by victor, L. II. *34*, 356; shall be treated as private property, D.B. VIII. 383; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229; should be designated by besieged during bombardment, D.B. XVII. 384; O.M. II. *34*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 221; H.C. 1907. IX. *5*, 263; should be spared by besiegers during bombardment, D.B. XVII. 384; O.M. II. *33*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 220; H.C. 1907. IX. *5*, 262
Chile, reservation to, H.C. 1907. I. 340; to H.C. 1907. IX. 346; to H.C. 1907. XII. 347
China, reservation to, H.C. 1907. X. 346

Churches, may be taxed by victor, L. II. *34*, 356; not public property for appropriation by victor, L. II. *34*, 356
Citizen, voluntarily serving as guide against his own country, L. V. *95*, *96*, 366
Citizens, army of occupation can not force citizens of occupied territory into its service, L. II. *33*, 356; unless occupation is permanent, L. II. *33*, 356
Citizens, classification of citizens in territory in rebellion, loyal, L. X. *155*, 375; disloyal, L. X. *155*, 375; sympathizing, L. X. *155*, 375; active but unarmed, L. X. *155*, 375; of hostile country, inoffensive, not protected by uncivilized nations, L. I. *24*, 354; protected by civilized nations, L. I. *25*, 354; of hostile states are enemies, L. I. *21*, 354; relationship between citizens of occupied country under martial law, L. II. *32*, 356; unarmed, must be spared as much as possible during war, L. I. *22*, 354; L. I. *23*, 354
Civil and penal law under martial law, local, L. I. *6*, 351
Civil officers during occupation of country must take oath of allegiance, L. I. *26*, 355; officers may be expelled, L. I. *26*, 355; officers receive salaries so long as they perform duties in occupied country, L. II. *39*, 357; officers or citizens of enemy in occupied territory may be required to give pledge for safety of occupant, L. VII. *134*, 371; personnel, and means of transportation secured by requisition are subject to rules of international law, G.C. 1906. *17*, 407; war, defined, L. X. *150*, 374
Colombia, reservation to, H.C. 1907. II. 341
Combatants, are enemies, L. X. *155*, 375; may be made prisoners of war, D.B. XI. 384; hospital ships must not hamper, G.C. 1868. Ad. XIII. 380; H.C. 1899. III. *4*, 74; H.C. 1907. X. *4*, 269
Commercial transactions, officers or soldiers are forbidden in hostile country to participate in, L. II. *46*, 359
Commission of inquiry. *See* International commissions of inquiry
Commissioned officers only can give parole, L. VII. *126*, 370
Common law of war, military jurisdiction under, L. I. *13*, 352
Communes, it is forbidden to seize property of, O.M. II. *53*, 396; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229; requisitions in kind except for necessity of army and in proportion to resources, can not be demanded of, O.M. II. *56*, 396; H.C. 1899. II. a. *52*, 67; H.C. 1907. IV. a. *52*, 227; shall be treated as private property, the property of, D.B. VIII. 383; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229
Communication, interdiction of neutralized vessels from, G.C. 1868. Ad. X. 379; military necessity allows obstruction of, L.I. *15*, 353; occupying power may seize means of; must restore them at end of war with compensation, H.C. 1907. IV. a. *53* (n), 228; with the enemy is treasonable, secret, L. V. *98*, 367
Compromis. *See* under Arbitration procedure, *and* Competency and procedure of judicial arbitration court
Compulsory arbitration, Hague Conference of 1907 admits principle of, H.C. 1907. 137
Concealment of army designation is forbidden, O.M. II. *8* (c), 390
Conference of 1899, Peace, 6; list of delegates, 6
Conference of 1907, Peace, 112; list of delegates, 112; list of states invited, 108
Consuls under martial law, L. I. *8*, 352
Contact mines, convention relative to the laying of automatic submarine, H.C. 1907. VIII. 136, 252; ratified (note), 259
Contract debts, award shall determine validity, amount and time of payment of claim in arbitration of, H.C. 1907. II. *2*, 195; convention respecting the limitation of the employment of force for the recovery of, H.C. 1907. II. 135, 193; ratified (note), 198; powers agree not to use force except when debtor refuses to arbitrate, or carry out award after arbitration of, H.C. 1907. II. *1*, 194
Contractors, may be prisoners of war, D.B. XXXIV. 386; H.C. 1899. II. a. *13*, 56; H.C. 1907. IV. a. *13*, 214; must show certificate from military authorities, D.B. XXXIV. 386; H.C. 1899. II. a. *13*, 56; H.C. 1907. IV. a. *13*, 215
Contribution, in money can not be levied except in certain cases, extraordinary, O.M. II. *58*, 396; must be apportioned with regard to zeal of inhabitants in aiding wounded, O.M. II. *59*, 396; must be levied by authority of high military official, D.B. XLI. 387; O.M. II. *58*, 396; H.C. 1899. II. a. *51*,

67; H.C. 1907. IV. a. *51*, 227; must be levied in accordance with local law, D.B. XLI. 387; O.M. II. *58*, 396; H.C. 1899. II. a. *51*, 67; H.C. 1907. IV. a. *51*, 227

Contribution, receipt shall be given for, D.B. XLI. 387; H.C. 1899. II. a. *51*, 67; H.C. 1907. IV. a. *51*, 227; will be collected with assistance of local officials who remain in office, D.B. XLI. 387

Convention. *See* under International Arbitration System and International Inquiry Commission; concerning the rights and duties of neutral powers in naval war, H.C. 1907. XIII. 136, 317; ratified (note), 331; for the adaptation to maritime warfare of the principles of the Geneva Convention, H.C. 1899. III. 18, 71; for the adaptation to naval war of the principles of the Geneva Convention, H.C. 1907. X. (r), 136, 267; ratified (note), 281; for the amelioration of the condition of the sick and wounded of armies in the field, G.C. 1864, 376; G.C. 1868. Ad. 378; G.C. 1906. 402; for the pacific settlement of international disputes, H.C. 1907. I. (r), 135, 155; ratified (note), 193; for the peaceful adjustment of international differences, H.C. 1899. I. 18, 21; regarding hospital ships, H.S. 400; regarding the laws and customs of war by land, H.C. 1899. II. 18, 45; regarding [respecting] the laws and customs of war on land, H.C. 1907. IV. (r), 135, 203; ratified (note), 229; relative to certain restrictions with regard to the exercise of right of capture in naval war, H.C. 1907. XI. 136, 281; ratified (note), 288; relative to the conversion of merchant ships into war ships, H.C. 1907. VII. 136, 246; not ratified (note), 251; relative to the creation of an international prize court, H.C. 1907. XII. 136, 288; not ratified (note), 315; relative to the laying of automatic submarine contact mines, H.C. 1907. VIII. 136, 252; ratified (note), 259; relative to the opening of hostilities, H.C. 1907. III. 135, 198; ratified (note), 203; relative to the status of enemy merchant ships at the outbreak of hostilities, H.C. 1907. VI. 136, 240; not ratified (note), 246; respecting bombardment by naval forces in time of war, H.C. 1907. IX. 136, 259; ratified (note), 266; respecting the limitation of the employment of force for the recovery of contract debts, H.C. 1907. II. 135, 193; ratified (note), 198; respecting the rights and duties of neutral powers and persons in case of war on land, H.C. 1907. V. 135, 230; ratified (note), 240

Conversion of merchant ships into war ships, convention relative to the, H.C. 1907. VII. 136, 246; not ratified (note), 251

Convoys of evacuation shall be treated as mobile sanitary formations with certain exceptions, G.C. 1906. *17*, 406

Correspondence (postal) on neutral or enemy ship is inviolable, unless intended for blockaded port in violation of blockade, H.C. 1907. XI. *1*, 282

Council at The Hague, administrative, duties, H.C. 1907. I. *49* (m), 175

Counsel. *See* under Arbitration procedure, International prize court, *and* International inquiry commission.

Couriers are not spies, O.M. II. *23*, 392

Court. *See* Permanent arbitration court, Judicial arbitration court, *and* International prize court

Courts, it is forbidden to deny nationals of hostile party recourse to, H.C. 1907. IV. a. *23* (n), 219

Crew of enemy merchant ship are not made prisoners of war, if nationals of a neutral state, H.C. 1907. XI. *5*, 284; if nationals of enemy state if they agree not to aid in operations of war, H.C. 1907. XI. *6*, 284; converted into war ship must be subject to military discipline, H.C. 1907. VII. *4*, 248.

Crimes by American soldier in hostile country are punishable as at home, L. II. 47, 359

Criminal law, offenders against laws of war are liable as in, O.M. III. *84*, 399; legislation to prevent pillage of sick and wounded, misuse of special marks and badges shall be enacted by the powers and forwarded to the Netherland Government, H.C. 1907. X. *21* (n), 276

Cruelty, military necessity does not allow, L. I. *16*, 353

Cuba, reservation to H.C. 1907. XII. 347

Customs of war on land, convention regarding the laws and, H.C. 1899. II. 18, 45; H.C. 1907. IV. (r), 135, 203; ratified (note), 229

Customs of war on land, laws and. *See* Laws and customs of war on land.

Dead, Belligerents after engagement shall prevent ill treatment of, and attend to examination of, before burial, H.C. 1907. X. *16* (n), 275; belligerents shall inform each other of changes in list of, G.C. 1906. *4*, 404; H.C. 1907. X. *17* (n), 275; belligerents shall send to each other marks of identification of, G.C. 1906. *4*, 404; H.C. 1907. X. *17* (n), 275; belligerents shall send to home government means of identification of, O.M. II. *19*, 392; it is forbidden to rob or mutilate, O.M. II. *18*, 392
Death under martial law, execution of sentence of, L. I. *12*, 352
Deception, by use of flags of protection is ground for refusing to respect the same, L. VI. *117*, 369; is allowed by military necessity, L. I. *15*, 353; punishment for treacherous, L. V. *101*, 367. *See* Ruses de guerre, *and* Stratagem
Declaration, concerning the laws and customs of war, Project of an International, adopted by the Conference of Brussels, 1874, 382; of Paris concerning maritime law, 349; of St. Petersburg (explosive bullets), 381; of war must precede hostilities, H.C. 1907. III. *1*, 199; prohibiting the diffusion of asphyxiating or deleterious gases, H.C. 1899, 19, 81; prohibiting the discharge of projectiles and explosives from balloons, H.C. 1899, 19, 79; H.C. 1907. XIV. 136, 332; ratified (note), 334; prohibiting the use of expanding bullets, H.C. 1899, 19, 83; parole is not allowed of large number of prisoners by general, L. VII. *128*, 371
Delegates to peace conference of 1899. 6; 1907. 112
Delegation. *See* under International Prize Court *and* Judicial Arbitration Court
Deleterious gases, prohibition of diffusion of asphyxiating or, H.C. 1899. *19*, 81
Deserters, punishable by death, L. III. *48*, 359
Destruction, of enemy allowed by military necessity, L. I. *15*, 353; of other persons allowed by military necessity, L. I. *15*, 353; of property allowed by military necessity, L. I. *15*, 353; of property forbidden except under military necessity, D.B. XIII. (g), 384; O.M. II. *31*, 393; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219
Differences, convention for the peaceful adjustment of international, H.C. 1899. I. 18, 21; powers agree to use efforts towards pacific settlement of international, H.C. 1899. I. *1*, 24
Disabled enemy, it is forbidden to further injure or kill, L. III. *71*, 362; O.M. II. *9* (b), 391; H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219
Disputes, convention for the pacific settlement of international, H.C. 1907. I. (r), 135, 155; ratified (note), 193; replaces H.C. 1899. I., H.C. 1907. I. *91* (n), 189
Distinguishing mark, must be worn by soldiers, L. III. *64*, 361
Domestic relations, United States in a hostile country will protect, L. II. *37*, 357
Dominican republic, reservation to H.C. 1907. II. 342; H.C. 1907. VIII. 345; H.C. 1907. XIII. 348
Duties, of neutral powers and persons in case of war on land, convention respecting the rights and, H.C. 1907. V. 135, 230; ratified (note), 240; of neutral powers in naval war, convention concerning the rights and, H.C. 1907. XIII. 136, 317; ratified (note), 331; of neutrals, vœu concerning insertion in second conference programme of topic on rights and, H.C. 1899. 20; rights and laws of war, persons to whom are applied the, D.B. IX. 383

Ecuador, reservation to H.C. 1907. II. 342
Educational establishments, are not public property for appropriation by victor, L. II. *34*, 356; can not be seized, destroyed, or intentionally damaged, H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229; may be taxed by victor, L. II. *34*, 356; shall be treated as private property, by occupant of territory, D.B. VIII. 383; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229
Emblem or flag, it is perfidy to use enemy's national, L. III. *65*, 362
Enemies, classified, combatants, L. X. *155*, 375; non-combatants, L. X. *155*, 375; natives of hostile states are, L. I. *21*, 354; refusal to give quarter does not imply right to kill already disabled, L. III. *61*, 361
Enemy, belligerents are restricted as to means of injuring, D.B. XII. 384; O.M. I. *4*, 390; H.C. 1899. II. a. *22*, 59; H.C. 1907. IV. a. *22*, 218; belligerents can not force action against their country by nationals of, H.C. 1907. IV. a. *23* (n), 220; cargo on

enemy merchant vessels may be detained under certain conditions, H.C. 1907. VI. *4*, 242; it is forbidden to kill or wound disabled enemy, L. III. *71*, 362; O.M. II. *9* (b), 391; H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219; it is forbidden to misuse uniform of, D.B. XIII. (f), 384; H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219; it is forbidden to murder treacherously an, D.B. XIII. (b), 384; H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219; it is forbidden to kill or injure surrendered, D.B. XIII. (c), 384; O.M. II. *9* (b), 391; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; medical treatment of captured, L. III. *79*, 364; merchant ship — *see* Merchant ship, enemy; military necessity allows destruction of, L. I. *15*, 353; military necessity allows starving the, L. I. *17*, 353; not obliged to receive flag of truce, H.C. 1899. II. a. *33*, 63 ; H.C. 1907. IV. a. *33*, 223; outposts, wounded of enemy may be returned to, G.C. 1864. VI. 377; O.M. II. *11*, 391; retaliation in case of enslavement of United States soldiers by, L. III. *58*, 361; secret communication with, L. V. *98*, 367; securing information concerning the, D.B. XIV. 384; cf. D.B. XXXVI. 387; ship, postal correspondence, unless intended for blockaded port in violation of blockade, is inviolable on board neutral or, H.C. 1907. XI. *1*, 282; sick and wounded are prisoners of war in hands of, G.C. 1906. 2, 403

Enemy's goods, neutral flag covers (except contraband), Paris, 349.

Enemy's national flag or emblem, it is perfidy to use, L. III. *65*, 362

Enslavement of United States soldiers by the enemy, retaliation therefor, L. III. *58*, 361

Equador, reservation to H.C. 1907. XII. 347

Evacuations, must fly national flag together with red cross flag, G.C. 1864. VII. 377; O.M. II. *40*, 394; of sick and wounded not prisoners of war may pass through neutral territory, O.M. II. *83*, 399; shall adopt red cross flag and arm band, G.C. 1864. VII. 377; O.M. II. *40*, 394; shall be protected by absolute neutrality, G.C. 1864. VI. 377; O.M. II. *11*, 391; shall be treated as mobile sanitary formations with certain exceptions, convoys of, G.C. 1906. *17*, 406

Exchange of prisoners of war may be made, O.M. II. *75*, 398; by exchanging equal for equal, L. VI. *105*, 368; or several inferior for one of superior rank, L. VI. *106*, 368; need not be made, L. VI. *109*, 368; *and see* Prisoners of war; of spies, L. V. *103*, 367; of war rebels, L. V. *103*, 367; of war traitors, L. V. *103*, 367

Explosives and projectiles from balloons, prohibition of discharge of, H.C. 1899. 19, 79; H.C. 1907. XIV. 136, 332; ratified, (note), 334

Family honor, occupant of territory must respect, D.B. XXXVIII. 387; O.M. II. *49*, 395; H.C. 1899. II. a. *46*, 66; H.C. 1907. IV. a. *46*, 226

Final act of Peace Conference of 1899. 6

Final act of Peace Conference of 1907. 112

Fishing vessels, for coast trade are exempt from capture, H.C. 1907. XI. *3*, 283; unless they take part in hostilities, H.C. 1907. XI. *3*, 283; powers agree not to use them for hostile purposes, H.C. 1907. XI. *3*, 283

Flag. *See* National flag; Red cross flag; protection, flags of; truce, flag of

Flags, hospitals protected during engagements by use of yellow, L. VI. *115*, 369

Forbidden, abuse of distinctive badges of Geneva convention is, D.B. XIII. (f), 384; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; act of hostility is breach of neutrality and is, H.C. 1907. XIII. *2*, 319; arms which cause unnecessary suffering are, D.B. XIII. (e), 384; O. M. II. *9* (a), 391; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; *see* St. P. 381; assassination is, L. IX. *148*, 374; O.M. II. *8* (b), 390; bombardment of undefended towns is, D.B. XV. 384; O.M. II. *31*, 393; H.C. 1899. II. a. *25*, 60; H.C. 1907. IV. a. *25*, 220; by naval forces, H C. 1907. IX. 1, 260; bombardment of town because of failure to pay money contributions is, H.C. 1907. IX. *4*, 262; bombardment of town solely because there are mines in the harbor is, H.C. 1907. IX. *1*, 260; concealment of army designation is, O.M. II. *8* (c), 390; confiscation of private property is, D.B. XXXVIII. 387; H.C. 1899, II. a. *46*, 66; H.C. 1907. IV. a. *46*.

226; denial of courts to nationals of hostile party is, H.C. 1907. IV. a. *23* (n), 219; destruction of property except under military necessity is, D.B. XIII. (g), 384; O.M. II. *31*, 393; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; diffusion of asphyxiating or deleterious gases is, H.C. 1899. 19, 81; improper use of national flag is, O.M. II. *8* (d), 390; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; killing or injury of disabled enemy is, L. III. *71*, 362; O.M. II. *9* (b), 391; H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219; killing or injury of surrendered enemy is, O.M. II. *9* (b), 391; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; murder of surrendered enemy is, D.B. XIII. (c), 384; misuse of enemy uniform is, D.B. XIII. (f), 384; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; needless severity is, O.M. I. *4*, 390; parole on battlefield, or of entire body of troops, or of large number of prisoners by general declaration, is, L. VII. *128*, 371; participation in commercial transactions by officers or soldiers in hostile country is, L. II. *46*, 359; perfidy is, O.M. I. *4*, 390; pillage is, D.B. XXXIX. 387; H.C. 1899. II. a. *47*, 66; H.C. 1907. IV. a. *47*, 226; pillage of town taken by assault is, D.B. XVIII. 385; O.M. II. *31*, 393; H.C. 1899. II. a. *28*, 61; H.C. 1907. IV. a. *28*, 221; H.C. 1907. IX. *7*, 263; poison is, L. III. *70*, 362; O.M. II. *8* (a), 390; poison or poisoned arms are, D.B. XIII. (a), 384; H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219; projectiles causing useless suffering are, O.M. II. *9* (a), 391; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; reprisals where injury has been repaired are, O.M. III. *85*, 400; robbing or mutilating dead is, O.M. II. *18*, 392; treacherous killing of enemy is, H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219

Forces on board ship, H.C. 1907. X.; applies only to, H.C. 1907. X. *22* (n), 277

Foreign residents can not communicate with the enemy, L. V. *98*, 367

Foreigners in relation to military charges, vœu concerning, H.C. 1907. 139

Forests, occupying state is only usufructuary of, D.B. VII. 383; O.M. II. 52, 396; H.C. 1899. II. a. *55*, 69; H.C. 1907. IV. a. *55*, 229

France, reservation to, H.C. 1907. VIII. 345; H.C. 1907. IX. 346

Funds, occupying state may seize, D.B. VI. 383; O.M. II. *50*, 395; H.C. 1899. II. a. *53*, 68; H.C. 1907. IV. a. *53*, 228

Gases, prohibition of diffusion of asphyxiating or deleterious, H. C. 1899. 19, 81

Geneva Convention applies to sick and wounded, D.B. XXXV. 387; H.C. 1899. II. a. *21*, 59; H.C. 1907. IV. a. *21*, 218; in neutral territory, O.M. II. *82*, 399; interned in neutral territory, D.B. LVI. 389; H.C. 1899. II. a. *60*, 71; H.C. 1907. V. *15*, 235; convention for the adaptation to maritime warfare of the principles of the, H.C. 1899. III. 18, 71; H.C. 1907. X. (r), 136, 267; ratified (note), 281; details of execution of, G.C. 1864. VIII. 377; G.C. 1906. *25*, 408; for the amelioration of the condition of the sick and wounded of armies in the field, G.C. 1864. 376; additional articles, G.C. 1868. Ad. 378; G.C. 1906. 402; it is forbidden to make improper use of the insignia of the, D.B. XIII. (f), 384; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; may be suspended if one belligerent takes undue advantage of benefits of neutrality, G.C. 1868. Ad. XIV. 380; vœu concerning revision of, H.C. 1899. 20; cross, *see* Red cross

Germany, reservation to H.C. 1907. IV. 343; to H.C. 1907. VI. 344; to H.C. 1907. VIII. 345; to H.C. 1907. IX. 346; to H.C. 1907. XIII. 347

Good offices and mediation. *See* Mediation

Goods except contraband of war not liable to capture, neutral, Paris, 349

Great Britain, reservation to H.C. 1907. V. 344; to H.C. 1907. VIII. 345; to H.C. 1907. IX. 346; to H.C. 1907. X. 346; to H.C. 1907. XIII. 348

Greece, reservation to H.C. 1907. I. 341; to H.C. 1907. II. 342

Guard is part of armed force, national, O.M. I. *2*, 389

Guatemala, reservation to H.C. 1907. II. 342; to H.C. 1907. XII. 347

Guide, a citizen voluntarily serving against his own country as, L. V. *95*, *96*, 366

Guides may be impressed, L. V. *93*, 366; who are impressed may not be punished by their government, L. V. *94*, 366; who mislead, punishment for, L. V. *97*, 366

Haiti, reservation to H.C. 1907. XII. 347
Hospital ships, act at their own peril, H.C. 1899. III. *4*, 75; H.C. 1907. X. *4*, 269; are under control of belligerents, H.C. 1899. III. *4*, 75; H.C. 1907. X. *4*, 269; belligerent may demand that sick and wounded be turned over by, H.C. 1907. X. *12* (n), 273; convention regarding, H.S. 400; detained by the enemy must haul down belligerent flag of nation which controlled them, H.C. 1907. X. *5* (n), 270; may be subject to fiscal laws of ports other than for benefit of state, H.S. *2*, 401; must render their coloring plain at night, H.C. 1907. X. *5* (n), 270; shall afford relief independently of nationality, H.C. 1899. III. *4*, 74; H.C. 1907. X. *4*, 269; shall be exempt from taxes and dues in war time for the benefit of the state, H.S. *1*, 401; shall be painted white with green strake, G.C. 1868. Ad. XII. 380; H.C. 1899. III. *5*, 75; H.C. 1907. X. *5*, 270; shall carry national and red cross flags, H.C. 1899. III. *5*, 75; and if a neutral hospital ship, shall carry flag of belligerent under whose control it is, H.C. 1907. X. *5* (m), 270; shall not be used for military purposes, H.C. 1899. III. *4*, 74; H.C. 1907. X. *4*, 269; shall not hamper combatants, H.C. 1899. III. *4*, 74; H.C. 1907. X. *4*, 269; signs shall not be used for other purposes, which are peculiar to, H.C. 1907. X. *6* (n), 271. *See* Military hospital ships *and* Private hospital ships
Hospital staff can retain only private property upon withdrawing, G.C. 1864. IV. 377; O.M. II. *38*, 394; can not be made prisoners of war, L. III. *53*, 360; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273; is neutral, G.C. 1864. II. 376; G.C. 1868. Ad. I. 378; O.M. *12*, *13*, *15*, 391; may bear arms to maintain order and defend sick, H.C. 1907. X. *8* (n), 272; may remain after occupation by enemy, G.C. 1864. III. 376; G.C. 1868. Ad. I. 378; O.M. *12*, *13*, *14*, 391; of captured vessels are neutral, G.C. 1868. Ad. VII. 379; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 272; may leave vessel after wounded are removed, G.C. 1868. Ad. VIII. 379; may remove private property, G.C. 1868. Ad. VII. 379; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273; if they remain on vessel, receive salary, G.C. 1868. Ad. VIII. 379; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10* (m) (receive same salary as staff in captor's navy), 273
Hospitals are included in "ambulance," field, G.C. 1868. Ad. III. 378; O.M. II. *39*, 394; are neutral, military, O.M. II. *35*, 394; G.C. 1864. I. 376; except when held by military force, O.M. II. *37*, 394; G.C. 1864. I. 376; this does not preclude police force, O.M. II. *37*, 394; are not public property for appropriation by victor, L. II. *34*, 356; during bombardment besieged must designate, D.B. XVII. 384; O.M. II. *34*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 221; H.C. 1907. IX. *5* (by naval forces), 263; during bombardment besiegers may request designation of, L. VI. *116*, 369; during bombardment besiegers must spare, D.B. XVII. 384; O.M. II. *33*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 220; H.C. 1907. IX. *5* (by naval forces), 262; may be protected by yellow flags during siege or engagement, L. VI. *115*, 369; may be taxed by victor, L. II. *34*, 356; must use national flag with red cross flag, G.C. 1864. VII. 377; O.M. II. *40*, 394; shall adopt red cross arm bands and flag, G.C. 1864. VII. 377; O.M. II. *40*, 394
Hostage, treatment of, L. III. *55*, 360; what is, L. III. *54*, 360
Hostile army, how martial law is proclaimed by, L. I. *1*, 350.
Hostile country, crimes are punishable as at home if committed by American soldier in, L. II. *47*, 359; inoffensive citizens of, not protected by uncivilized nations, L. I. *24*, 354; protected by civilized nations, L. I. *25*, 354; protection of domestic relations by United States in, L. II. *37*, 357; protection of persons by United States in, L. II. *37*, 357; protection of private property by United States in, L. II. *37*, 357; states are enemies, citizens of, L. I *21*, 354
Hostilities, convention relative to the opening of, H.C. 1907. III. 135, 198; ratified (note), 203
Hostility, it is a violation of neutrality to commit an act of, H.C. 1907. XIII. *2*, 319

Identity, certificate of. *See* Certificate of identification.
Immunity, the following enjoy diplomatic: members of permanent arbitration court, H.C. 1899. I. *24*, 33; H.C. 1907. I. *46*, 174; judges of inter-

national prize court, H.C. 1907. XII. *13*, 296
Immunity, those inhabitants caring for sick and wounded shall have special, G.C. 1906. *5*, 404
Impressed, guides may be, L. V. *93*, 366; guides shall not be punished by home government if they are, L. V. *94*, 366
Incapacitated soldiers shall be returned to their country, G.C. 1864. VI. 377; O.M. II. *11*, 391
Indemnity, means of transportation, though private property, may be seized but must be restored at conclusion of peace with suitable, O.M. II. *55*, 396; occupant can take railway plant, land telegraph, telephone, steamers, of private companies but must restore them at conclusion of peace with suitable, H.C. 1899. II. a. *53*, 68; H.C. 1907. IV. a. *53* (n), 228; when requisition is demanded the recipient shall give receipt or, D.B. XLII. 387
Information, betrayal by citizen of United States of, L. V. *89*, 366; concerning enemy, securing, D.B. XIV. (but *see* D.B. XXXVI. 387), 384; prisoners of war can not be made to give, L. III. *80*, 364; O.M. II. *70*, 398
Inhabitants against occupying army is a violation of the laws of war, rise of, L. III. 52, 360; of occupied country must not amount to taking part in war against native country, services from, D.B. XL. 387
Injury, projectiles are forbidden which inflict unnecessary, H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219
Inoffensive populations must not be harshly dealt with, O.M. II. *7*, 390
Inquiry, international commissions of. *See* International commissions of inquiry
Instructions for the government of armies of the United States in the Field, L. 350
Insurrection, what is, L. X. *149*, 374
Intercourse between territories occupied by belligerent armies, L. V. *86*, 365; during armistice is suspended unless otherwise provided, L. VIII. *141*, 372
Intern belligerent troops entering its border, neutral state should, D.B. LIII. 388; O.M. 79, 399; H.C. 1899. II. a. *57*, 70; H.C. 1907. V. *11*. 233
International arbitration. *See* Arbitration, international
International arbitration system. *See* Arbitration system, international
International affront, refusal of safe-conduct is not, L. V. *87*, 365
International bureau, acts as registry, to international commissions of inquiry, H.C. 1907. I. *15* (n), 162; to international prize court, H.C. 1907. XII. *23*, 300; to judicial arbitration court, H.C. 1907. a. *13*, 146; to permanent court of arbitration, H.C. 1899. I. *22*, 30; H.C. 1907. I. *43* (m), 171; appeal in international prize court procedure, may be made without awaiting national court decision, direct to, H.C. 1907. XII. *30*, 303; controlled by permanent administrative council, H.C. 1899. I. *28*, 34; H.C. 1907. I. *49*, 175; how expenses are divided, H.C. 1899. I. *29*, 35; H.C. 1907. I. *50* (m), 176; in dispute one of the powers may address note signifying willingness to arbitrate direct to, H.C. 1907. I. *48* (n), 175; is at disposal of any board of arbitration, H.C. 1899. I. *26*, 33; H.C. 1907. I. *47*, 174; serves as channel for communications to the judges of the judicial arbitration court, H.C. 1907. a. *24*, 151.
International commissions of inquiry, agents must be summoned to attend investigations, H.C. 1907. I. *21* (n), 164; considers case in secret and decides by majority vote, H.C. 1907. I. *30* (n), 167; constitution of, how, H.C. 1899. I. *9*, *10*, *11*, *26*; H.C. 1907. I. *9* (m), *10*, *12* (m), 159; counsel may present summaries of facts to, H.C. 1907. I. *29* (n), 167; convention determines language, place of meeting, etc., H.C. 1907. I. *10* (n), 160; determines facts, method of forming commission, and powers of commissioners, H.C. 1907. I. *10* (m), 160; expenses, how paid, H.C. 1907. I. *36* (n), 168; explanations, commission may ask either party for, H.C. 1907. I. *22* (n), 164; languages are determined by commission if convention failed to specify, H.C. 1907. I. *11* (n), 161; meetings, not public nor are minutes published, H.C. 1907. I. *31* (n), 167; ordinarily held at The Hague, H.C. 1907. I. *11* (n), 161; but may be held elsewhere to secure information, H.C. 1907. I. *20* (n), 163; or with consent of parties, H.C. 1907. I. *11* (n), 161; notices shall be served by powers in whose territory service is desired,

H.C. 1907. I. *24* (n), 165; parties agree to furnish evidence, H.C. 1899. I. *12*, 28; H.C. 1907. I. *23* (n), 164; parties may have agents or counsel, H.C. 1907. I. *14* (n), 161; parties must both be heard, H.C. 1907. I. *19* (n), 163; parties must communicate statement of facts to each other, H.C. 1907. I. *19* (n), 163; registry, functions of, H.C. 1907. I. *16* (n), 162; registry, international bureau acts as, H.C. 1907. I. *15* (n), 162; report is limited to statement of facts, H.C. 1899. I. *14*, 28; H.C. 1907. I. *35*, 168; report is not arbitral award, H.C. 1899. I. *14*, 28; H.C. 1907. I. *35*, 168; report is read in public and copy given to each party, H.C. 1907. I. *34* (n), 168; report is signed by all members of commission, H.C. 1907. I. *33* (n), 168; if one member refuses to sign note is made thereof, H.C. 1907. I. *33* (n), 168; report is submitted to conflicting powers, H.C. 1899. I. *13*, 28; rules, H.C. 1907. I. *17* (n), 162; if not determined by convention shall be settled by commission, H.C. 1907. I. *18* (n), 163; termination of hearing, H.C. 1907. I. *32* (n), 167; vacancy, mode of filling, H.C. 1907. I. *13* (n), 161; witnesses, examination of, H.C. 1907. I. *26* (n), 166; witnesses may use notes, but may not read draft, H.C. 1907. I. *27* (n), 166; witnesses must sign testimony, H.C. 1907. I. *28* (n), 166; witnesses, summoning and hearing of, H.C. 1907. I. *25* (n), 165

International differences, convention for the peaceful adjustment of, H.C. 1899. I. 18, 21; disputes, convention for the pacific settlement of, H.C. 1907. I. (r), 135, 155; ratified (note), 193; prize court, *see* Prize court, international; prize court, convention relative to the creation of an, H.C. 1907. XII. 136, 288; not ratified (note), 315

Intern. *See* Interned.

Interned, belligerent war ship not leaving port as it should, may be, H.C. 1907. XIII. *24*, 326; in neutral territory, Geneva Convention applies to sick and wounded, D.B. LVI. 389; H.C. 1899. II. a. *60*, 71; H.C. 1907. V. *15*, 235; officers may be released on parole by neutral state, D.B. LIII. 388; O.M. II. *80*, 399; H.C. 1899. II. a. *57*, 70; H.C. 1907. V. *11*, 233; prisoners of war may be, D.B. XXIV. 385; H.C. 1899. II. a. *5*, 52; H.C. 1907. IV. a. *5*, 211; but only so long as circumstances justify it, H.C. 1907. IV. a. *5* (m), 211; sick and wounded may be sent to neutral to be, G.C. 1906. *3*, 404; troops may be guarded in camps or fortified places, D.B. LIII. 388; O.M. II. *80*, 399; H.C. 1899. II. a. *57*, 70; H.C. 1907. V. *11*, 233; troops shall be maintained by neutral in default of special agreement, D.B. LIV. 389; O.M. II. *81*, 399; H.C. 1899. II. a. *58*, 70; H.C. 1907. V. *12*, 234; but belligerent shall reimburse neutral at conclusion of peace, D.B. LIV. 389; O.M. II. *81*, 399; H.C. 1899. II. a. *58*, 70; H.C. 1907. V. *12*, 234.

Intervening powers. *See* under Arbitration procedure

Invader. *See* Occupant

Invasion. *See* Occupied territory

Inviolable, bearer of the flag of truce is, D.B. XLIII. 387; O.M. II. *26*, 393; H.C. 1899. II. a. *32*, 62; H.C. 1907. IV. a. *32*, 222; bearer, unless he incites to treason is, D.B. XLV. 388; O.M. II. *30*, 393; H.C. 1899. II. a. *34*, 63; H.C. 1907. IV. a. *34*, 223; bugler accompanying flag of truce is, D.B. XLIII. 387; H.C. 1899. II. a. *32*, 63; H.C. 1907. IV. a. *32*, 222; color bearer accompanying flag of truce is, D.B. XLIII. 387; O.M. II. *27*, 393; H.C. 1899. II. a. *32*, 63; H.C. 1907. IV. a. *32*, 222; drummer accompanying flag of truce is, D.B. XLIII. 387; O.M. II. *27*, 393; H.C. 1899. II. a. *32*, 63; H.C. 1907. IV. a. *32*, 222; guide accompanying flag of truce is, O.M. II. *27*, 393; interpreter accompanying flag of truce is, O.M. II. *27*, 399; H.C. 1899. II. a. *32*, 63; H.C. 1907. IV. a. *32*, 222; neutral territory is, H.C. 1907. V. *1*, *2*, 231; postal correspondence on neutral or enemy ship, unless intended for blockaded port in violation of blockade, is, H.C. 1907. XI. *1*, 282; trumpeter accompanying flag of truce is, D.B. XLIII. 387; O.M. II. *27*, 393; H.C. 1899. II. a. *32*, 63; H.C. 1907. IV. a. *32*, 222

Japan and Russia, note of secretary of state to U.S. representatives expressing pleasure at general willingness to hold Second Conference, with exception of (1904), 97

Japan, reservation to H.C. 1907. I. 340; to H.C. 1907. IV. 344; to H.C. 1907. IX. 346; to H.C. 1907. XIII. 348

Judges. *See* Arbitration procedure, In-

ternational prize court, Judicial arbitration court, Permanent court of arbitration
Judicial arbitration court. *See* Arbitration court, judicial

Landsturm is part of armed force, O.M. I. *2*, 389
Land warfare. *See* War on land
Law, martial. *See* Martial law
Laws and customs of war, *see* War; project of an international declaration concerning the, adopted by the conference of Brussels, 382; by land, convention regarding, H.C. 1899. II. 18, 45; on land, convention respecting, H.C. 1907. IV. (r), 135, 203; ratified (note), 229.
Laws of war on land (Oxford Manual), 389; rights and duties of war, *see* War
Levies *en masse*, are belligerents, D.B. X. 384; H.C. 1899. II. a. *2*, 51; H.C. 1907. IV. a. *2* (m) (if they carry arms openly), 210; are not brigands, L. III. *52*, 360; are part of armed forces, O.M. I. *2*, 390; may be made prisoners of war, L. III. *51*, 360
Life of population, occupant of territory must respect, D.B. XXXVIII. 387; O.M. II. *49*, 395; H.C. 1899. II. a. *46*, 66; H.C. 1907. IV. a. *46*, 226
Limitation of armaments, H.C. 1899. 19; H.C. 1907. 138; Russian circular proposing conference regarding, 1; *see* Limitation of armed forces
Limitation of war budgets, vœu concerning, H.C. 1899. 20
Loans, it is not unneutral in all cases to make, H.C. 1907. V. *18*, 236; right to levy forced, L. II. *37*, 357
Local officials should be retained and supported by occupying authority, O.M. II. *45*, 395; who remain should be protected by occupying authority, D.B. IV. 382; O.M. II. *45*, 395; may be compelled to take oath of allegiance, L. I. *26*, 355; or to leave country, L.I. *26*, 355; and they owe strict obedience to occupying authority, L. I. *26*, 355

Mail ship is not exempt from laws of war, except that it can not be searched unless absolutely necessary and then with great expedition, neutral, H.C. 1907. XI. *2*, 283
Manual, Oxford, 389
Maritime law, declaration of Paris concerning, 349
Maritime war. *See* War, maritime
Mark, soldiers receive no quarter who wear enemy uniform without distinguishing, L. III. *63*, 361
Martial law, affects chiefly police, revenues, taxes and support of army, L. I. *10*, 352; ambassadors and ministers during, L. I. *9*, 352; conclusion of, by special order, or treaty of peace, L. I. *2*, 350; consuls under, L. I. *8*, 352; execution of sentence of death under, L. I. *12*, 352; extent of, L. I. *7*, 351; how executed, L. I. *12*, *13*, 352; how proclaimed by hostile army, L. I. *1*, 350; local civil and penal law under, L. I. *6*, 351; relationship between citizens of occupied country under, L. II. *32*, 356; severity of its exercise, L. I. *5*, 351; what is, L. I. *3*, *4*, 351; when a place is under, L. I. *1*, 350
Matériel and buildings of fixed sanitary formations may not be used for other purposes unless sick and wounded are first taken care of, G.C. 1906. *15*, 406; includes railway trains and vessels, return of, G.C. 1906. *17*, 406; mobile sanitary formations in hands of enemy shall retain, G.C. 1906. *14*, 406; of aid societies is private property but may be requisitioned, G.C. 1906. *16*, 406; of mobile sanitary formations may be used by enemy and returned, G.C. 1906. *14*, 406
Mediation and good offices, before appeal to arms powers agree to have recourse to, H.C. 1899. I. *2*, 24; H.C. 1907. I. *2* (m), 157; do not interfere with preparation for war, H.C. 1899. I. *7*, 25; H.C. 1907. I. *7*, 158; do not interrupt war, H.C. 1899. I. *7*, 25; H.C. 1907. I. *7*, 158; even during hostilities powers strangers to suit may offer good offices or mediation, H.C. 1899. I. *3*, 24; H.C. 1907. I. *3* (m), 157; this is not unfriendly act, H.C. 1899. I. *3*, 25; H.C. 1907. I. *3* (m), 157; have exclusively the character of advice, H.C. 1899. I. *6*, 25; H.C. 1907. I. *6*, 158; mediator shall reconcile opposing claims, H.C. 1899. I. *4*, 25; H.C. 1907. I. *4*, 157; mediator's functions shall cease when it or one of the disputants announces non-acceptance of mediation, H.C. 1899. I. *5*, 25; H.C. 1907. I. *5*, 158; special mediation, method of, H.C. 1899. I. *8*, 26; H.C. 1907. I. *8* (m), 158
Medical staff of captured vessel are inviolable, G.C. 1868. Ad. VII. 379; H.C. 1899. III. *7*, 76; H.C. 1907.

X. *10*, 273; can not be made prisoners of war, H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273; may leave after removal of wounded, G.C. 1868. Ad. VIII. 379; may remain with boat, H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273; may remove private property when they leave, G.C. 1868. Ad. VII. 379; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273; shall receive usual salary after capture, G.C. 1868. Ad. VIII. 379; H.C. 1899. III. *7*, 76; shall receive same salary as paid in the army of the captor, H.C. 1907. X. *10* (m), 273

Merchant ship converted into war ship, crew must be under military discipline, H.C. 1907. VII. *4*, 248; master must be duly commissioned, H.C. 1907. VII. *3*, 248; must be under control of power whose flag it flies, H.C. 1907. VII. *1*, 247; must observe laws and customs of war, H.C. 1907. VII. *5*, 248; must show marks of nationality, H.C. 1907. VII. *2*, 247

Merchant ship of enemy at the outbreak of hostilities, convention relative to the status of, H.C. 1907. VI. 136, 240; not ratified (note), 246; crew are not made prisoners of war, when nationals of neutral state, H.C. 1907. XI. *5*, 284; nor when nationals of enemy state, if they agree not to aid in operations of war, H.C. 1907. XI. *6*, 284; when vessels take part in hostilities, rules as to crew do not apply, H.C. 1907. XI. *8*, 285; enemy cargo thereon is detained under certain conditions, H.C. 1907. VI. *4*, 242; ignorant of war, entering enemy port, should be allowed to depart, H.C. 1907. VI. *1*, 241; in enemy port at outbreak of hostilities should be allowed to depart, H.C. 1907. VI. *1*, 241; intended for conversion into war ship, not covered by H.C. 1907. VI, H.C. 1907. VI. *5*, 243; officers are not made prisoners of war when nationals of neutral state and promise not to serve on neutral vessel, H.C. 1907. XI. *5*, 284; nor when nationals of enemy state if they agree not to aid in operations of war, H.C. 1907. XI. *6*, 284; when vessels take part in hostilities, rules as to crew do not apply, H.C. 1907. XI. *8*, 285; on high seas and ignorant of war, may be detained, destroyed, or requisitioned, upon payment of compensation, H.C. 1907. VI. *3*, 242; the names of those officers and members of the crew agreeing not to take part are notified to belligerent who must not employ them, H.C. 1907. XI. *7*, 284; unable to leave the enemy port within the time limit can not be confiscated, H.C. 1907. VI. *2*, 241; unable to leave the enemy port within the time limit may be detained, subject to restoration, or requisitioned and paid for, H.C. 1907. VI. *2*, 242

Merchant ships into war ships, convention relative to the conversion of, H.C. 1907. VII. 136, 246; not ratified (note), 251; removing sick and wounded are protected by neutrality, G.C. 1868. Ad. X. 379; validity of capture of, H.C. 1907. XII. *1*, 290; will not be captured for saving sick and wounded and shipwrecked if no violation of neutrality occurred, H.C. 1907. X. *9* (n), 272

Messengers are not spies, D.B. XXII. 385; O.M. II. *23*, 392; are prisoners of war, O.M. II. *20*, 392; in balloon are not spies, D.B. XXII. 385; treatment of captured, L. V. *99*, *100*, 367

Military charges, vœu concerning foreigners in relation to, H.C. 1907. 139; discipline, crew on merchant ship converted into war ship must be subject to, H.C. 1907. VII. *4*, 248; establishments may be bombarded, H.C. 1907. IX. *2*, 260; commander must give notice to town, H.C. 1907. IX. *2*, 260; protect town, H.C. 1907. IX. *2*, 261; hospital ships, *see* Hospital ships; can not be captured, H.C. 1899. III. *1*, 73; H.C. 1907. X. *1*, 267; come under martial law to a certain extent, G.C. 1868. Ad. IX. 379; do not come under rule of war ship in neutral port, H.C. 1899. III. *1*, 73; H.C. 1907. X. *1*, 268; shall be painted white with green band, H.C. 1899. III. *5*, 75; H.C. 1907. X. *5*, 270

Military hospitals — *see* Hospitals, military; necessity allows: capture of enemy, L. I. *15*, 353; deception, L. I. *15*, 353; destruction of enemy, L. I. *15*, 353; destruction of other persons, L. I. *15*, 353; destruction of property, L. I. *15*, 353; obstruction of communication, L. I. *15*, 353; and starving enemy, L. I. *15*, 353; defined, L. I. *14*, 353; does not allow: perfidy, L. I. *16*, 353; poison, L. I. *16*, 353; cruelty, L. I. *16*, 353; newspaper reporter can be detained only so long as de-

manded by, O.M. II. *21*, 392; occupant of territory can not levy additional money tax except for administration of territory or, H.C. 1899. II. a. *49*, 67; H.C. 1907. IV. a. *49*, 226; private property can be seized only under, L. II. *38*, 357; property can not be destroyed or seized except under, D.B. XIII. (g), 384; O.M. II. *31*, 393; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219

Military occupation. *See* Occupation of territory

Military vehicles may be captured, G.C. 1906. *17*, 407

Militia is part of armed force, O.M. I. *2*, 389

Mines, can not be laid unanchored unless harmless after one hour, submarine, H.C. 1907. VIII. *1*, 253; can not be laid with the sole object of intercepting commercial shipping off enemy's coast, submarine, H.C. 1907. VIII. *2*, 253; convention relative to the laying of automatic submarine contact, H.C. 1907. VIII. 136, 252; ratified (note), 259; harmless in limited time and notify danger zones to shippers, belligerent must render, H.C. 1907. VIII. *3*, 253; laid off belligerent's coast must be removed by belligerent upon notification from power who laid them, submarine, H.C. 1907. VIII. *5*, 254; must be laid so as to ensure security of peaceful shipping, anchored submarine, H.C. 1907. VIII. *3*, 253; must be removed by powers laying them at end of war, submarine, H.C. 1907. VIII. *5*, 254; must become harmless as soon as they break loose, submarine, H.C. 1907. VIII. *1*, 253; neutral powers must notify shipowners where they have laid, H.C. 1907. VIII. *4*, 254; powers not owning mines of kind mentioned agree to change their, H.C. 1907. VIII. *6*, 255

Monarchs, when they are prisoners of war, L. III. *50*, 360

Money, bombardment is forbidden for failure to pay, H.C. 1907. IX. *4*, 262; can be claimed only under local law, prize, L. II. *45*, 358; contributions must be levied by authority of high official in, D.B. XLI. 387; O.M. II. *58*, 396; H.C. 1899. II. a. *51*, 67; H.C. 1907. IV. a. *51*, 227; extraordinary contributions can not be levied except in certain cases in, O.M. II. *58*, 396; occupant can not levy additional taxes, except for military necessity or administration of territory, in, H.C. 1899. II. a. *49*, 67; H.C. 1907. IV. a. *49*, 226; occupant of territory shall take possession of, D.B. VI. 383; on prisoner is private property and its appropriation is forbidden, L. III. *72*, 363; on prisoner in large sums may be appropriated after providing for prisoner's support, L. III. *72*, 363; victorious army seizes, L. II. *31*, 356

Monroe Doctrine, reserve of United States to H.C. 1899. I. 90

Montenegro, reservation to H.C. 1907. IV. 344

Morality, protection in hostile country by United States of religion and, L. II. *37*, 357

Municipal law of no effect on armies in the field, L. II. *41*, 358

Museums not public property for appropriation by victor, L. II. *34*, 356

National flag, ambulances, hospitals, and evacuations must accompany red cross flag with, O.M. II. *40*, 394; and red cross flag, hospital ships must carry, H.C. 1899. III. *5*, 75; H.C. 1907. X. *5*, 270; of belligerent to whom attached, sanitary formations must fly red cross flag and, G.C. 1906. *21*, 407; it is forbidden to misuse the, O.M. II. *8* (d), 390; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; or emblem, it is perfidy to misuse enemy's, L. III. *65*, 362

National prize court, basis of appeal to international prize court from, H.C. 1907. XII. *3*, 291; can deal in only two instances with case, H.C. 1907. XII. *6*, 293; decision and record of case are sent from international prize court to, H.C. 1907. XII. *45*, 307; local law determines method of appeal to international prize court from, H.C. 1907. XII. *6*, 293

Nationality, hospital ships shall afford relief independently of, H.C. 1899. III. *4*, 74; H.C. 1907. X. *4*, 269

Naval establishments may be bombarded, H.C. 1907. IX. *2*, 260; but commander must notify town, H.C. 1907. IX. *2*, 261; and endeavor to protect town, H.C. 1907. IX. *2*, 261

Naval forces, in time of war, convention respecting bombardment by, H.C. IX. 136, 259; ratified (note), 266; it is forbidden to bombard undefended towns with, H.C. 1907. IX. *1*, 260; vœu concerning bombardment of towns

by, H.C. 1899, 21; guns and rifles, vœu concerning, H.C. 1899. 20; war, *see* War, naval; war, convention concerning the rights and duties of neutral powers in, H.C. 1907. XIII. 136, 317; ratified (note), 331; war, convention relative to certain restrictions with regard to the exercise of right of capture in, H.C. 1907. XI. 136, 281; ratified, (note), 288; war of the principles of the Geneva Convention, convention for the adaptation to, H.C. 1899. III. 18, 71; H.C. 1907. X. (r), 136, 267; ratified (note), 281; vœu concerning private property in, H.C. 1899. 20
Netherland minister to secretary of state making final arrangements for newly invited states to adhere to H.C. 1899. I. 110
Neutral, ambulances are — *see* Ambulances; flag covers enemy's goods, Paris, 349; goods, except contraband of war, not liable to capture, Paris, 349; harbor, *see* Neutral port; medical, religious and hospital staff of captured vessel are, G.C. 1868. Ad. VII. 379; *see* Medical, religious, *and* hospital; merchantmen, yachts, or vessels taking sick, wounded, or shipwrecked can not be captured therefor, H.C. 1899. III. *6*, 76; H.C. 1907. X. *9*, 272; merchant ships and yachts to take sick and wounded, belligerent may appeal to, X. *9* (n), 272; military hospitals are, *see* Hospitals, military; persons can not commit acts to aid belligerent without losing neutrality, H.C. 1907. V. *17*, 235; places where sick and wounded are gathered are, O.M. II. *36*, 394; port, belligerent can not have more than three war ships at once in, H.C. 1907. XIII. *15*, 323; port, belligerent war ship can not increase armament, crew, or war material in, H.C. 1907. XIII. *18*, 324; port, belligerent war ship may on account of damage or stress of weather remain longer than 24 hours in, H.C. 1907. XIII. *14*, 322; port, belligerent war ship may, under certain conditions, take coal in, H.C. 1907. XIII. *19*, 324; port, belligerent war ship must take only sufficient food to bring itself to peace standing while in, H.C. 1907. XIII. *19*, 324; port, belligerent war ship shall remain but 24 hours in, H.C. 1907. XIII. *12*, 322; port can not be used as base of naval operations, H.C. 1907. XIII. *5*, 320; port, pending decision of prize court prize may be brought into, H.C. 1907. XIII. *23*, 326; port, prize, if not under H.C. 1907. XIII. 21, must be released when brought into, H.C. 1907. XIII. *22*, 326; port, 24 hours must elapse between departure of merchant ship of one belligerent and of war ship of the other from, H.C. 1907. XIII. *16*, 323; port, 24 hours must elapse between departures of war ships of both belligerents stopping at same, H.C. 1907. XIII. *16*, 323; port, under certain conditions prize may be brought into, H.C. 1907. XIII. *21*, 325; port, war ship of belligerent can not re-coal within three months in port of some neutral after coaling in, H.C. 1907. XIII. *20*, 325; powers and persons in case of war on land, convention respecting the rights and duties of, H.C. 1907. V. 135, 230; ratified (note), 240; belligerent government shall pay for care taken of shipwrecked, sick, or wounded by, H.C. 1907. X. *15* (n), 274; can resist by force attempts to violate neutrality, and this is not hostile act, H.C. 1907. V. *10*, 233; can not supply ammunition, war material of any kind to belligerents, H.C. 1907. XIII. *6*, 320; if aware of war, can not plead lack of formal notice, H.C. 1907. III. *2*, 199; powers in naval war, convention concerning the rights and duties of, H.C. 1907. XIII. 136, 317; ratified (note), 331; laying submarine mines must observe same rules as belligerent, H.C. 1907. VIII. *4*, 254; may allow belligerent war ships to use neutral pilots, H.C. 1907. XIII. *11*, 322; may authorize carriage of sick and wounded across neutral territory, D.B. LV. 389; H.C. 1899. II. a. *59*, 70; H.C. 1907. V. *14*, 234; may forbid belligerent who has violated laws regarding neutral ports from entering neutral waters, H.C. 1907. XIII. *9*, 321; may release interned officers on parole, D.B. LIII, 388; O.M. II. *80*, 399; H.C. 1899. II. a. *57*, 70; H.C. 1907. V. *11*, 233; may use belligerent railway material to certain extent, H.C. 1907. V. *19*, 236; may use such means as they deem best to enforce laws of neutrality, H.C. 1907. XIII. *25*, 327; must guard sick and wounded brought into neutral territory to prevent their taking part in war again, H.C. 1899. II. a. *59*, 71; H.C. 1907. V. *14*, 234; must not allow belligerent war ships to remain in neutral harbor more than 24 hours, H.C. 1907. XIII. *12*,

322; must notify belligerent war ship to leave within 24 hours, H.C. 1907. XIII. *13*, 322; must prevent belligerent war ship from making more than necessary repairs in neutral harbor, H.C. 1907. XIII. *17*, 324; must prevent fitting out or departure of vessel to aid belligerent, H.C. 1907. XIII. *8*, 321; must prevent shipwrecked, sick, or wounded landed in neutral port from taking part in hostilities again, H.C. 1907. X. *15* (n), 274; must treat belligerents impartially, H.C. 1907. V. *9*, 232; H.C. 1907. XIII. *9*, 321; need not forbid use of telegraph or telephone cables, public or private, to belligerent, H.C. 1907. V. *8*, 232; need not prevent export and transport of arms, etc., which might aid belligerent, H.C. 1907. V. *7*, 232; not bound to prevent export or transport of things useful to army or fleet, H.C. 1907. XIII. *7*, 320; not responsible if persons cross the frontier singly to go into belligerent army, H.C. 1907. V. *6*, 232; receiving troops of belligerent must intern them, D.B. LIII. 388; O.M. II. *79*, 399; H.C. 1899. II. a. *57*, 70; H.C. 1907. V. *11*, 233; shall leave at liberty escaped prisoners of war received by them, or brought by troops taking refuge in neutral territory, H.C. 1907. V. *13*, 234; shall support interned troops in absence of agreement, and shall be paid for same by belligerent at end of war, D.B. LIV. 389; O.M. II. *81*, 399; H.C. 1899. II. a. *58*, 70; H.C. 1907. V. *12*, 234; using rights secured to them by H.C. 1907. XIII. are not committing unfriendly acts, H.C. 1907. XIII. *26*, 327; war must be notified to, H.C. 1907. III. *2*, 199; private hospital ships will not be captured if under control of one belligerent, H.C. 1899. III. *3*, 74; H.C. 1907. X. *3* (m), 268; railway material shall be requisitioned only so far as necessary, and shall be returned with compensation, H.C. 1907. V. *19*, 236; sanitary formation in hands of enemy shall fly only red cross flag, G.C. 1906. *22*, 407; services in police or civil administration are not unneutral acts, H.C. 1907. V. *18*, 236; states, members of crew of enemy merchant ship are not made prisoners of war if they are nationals of, H.C. 1907. XI. *5*, 284; or private persons shall be sent back as soon as possible, railway plant from, H.C. 1899. II. a. *54*, 69; territory, belligerent can not erect telegraph station on, H.C 1907. V. *3*, 231; H.C. 1907. V. *3*, 232; territory, belligerent can not use one erected for military purposes before the war on, H.C. 1907. V. *3*, 231; H.C. 1907. V. *3*, 232; territory, evacuations of sick and wounded not prisoners of war may pass through, O.M. II. *83*, 399; territory is inviolable, H.C. 1907. V. *1*, 231; territory, munitions of war or troops can not be moved across, H.C. 1907. V. *2*, 231; H.C. 1907. V. *5*, 232; territory prize court can not be set up in neutral waters or on, H.C. 1907. XIII. *4*, 320; territory, troops can not be formed or recruited on, H.C. 1907. V. *4*, 231; H.C. 1907. V.,*5*, 232; territory, G.C. 1864, applies to wounded and sick in, O.M. II. *82*, 399; volunteer aid societies, each belligerent must notify the other of the names of, G.C. 1906. *10*, 405; G.C. 1906. *11*, 405; waters, prize must be liberated and prize crew interned if captured in, H.C. 1907. XIII. *3*, 319

Neutrality, act of hostility is forbidden as violation of, H.C. 1907. XIII. *2*, 319; evacuations shall be protected by absolute, O.M. II. *11*, 391; is guaranteed to inhabitants aiding in caring for wounded, O.M. II. *17*, 392; G.C. 1864. V. 377; is not affected by mere passage of belligerent vessels through neutral waters, H.C. 1907. XIII. *10*, 321; secured by Geneva Convention may be suspended if misused by one belligerent, G.C. 1868. Ad. XIV. 380

Neutralized, boats picking up shipwrecked and wounded are, G.C. 1868. Ad. VI. 379; persons, salaries of, G.C. 1868. Ad. II. 378; O.M. II. *15*, 391; persons shall wear arm badge, O.M. II. *16*, 392; vessels may be interdicted from communication, G.C. 1868. Ad. X. 379; vessels shall be designated by white flag with red cross, G.C. 1868. Ad. XII. 380; vessels, persons must not serve in war again, who when wounded and shipwrecked were picked up by, G.C. 1868. Ad. VI. 379

Neutrals, belligerents must respect rights of, H.C. 1907. XIII. *1*, 319; nationals of non-belligerent state are, H.C. 1907. V. *16*, 235; vœu concerning commercial and industrial relations be-

tween belligerents and, H.C. 1907. 139; vœu concerning rights and duties of, H.C. 1899. 20
Newspaper reporters may be detained only so long as military necessity demands, O.M. II. *21*, 392; may be made prisoners of war, L. III. *50*, 360; D.B. XXXIV. 386; H.C. 1899. II. a. *13*, 55; H.C. 1907. IV. a. *13*, 214; must show certificate of identity, D.B. XXXIV. 386; H.C. 1899. II. a. *13*, 55; H.C. 1907. IV. a. *13*, 215
Non-combatants are enemies, L. X. *155*, 375; expelled by besieged commander, L. I. *18*, 353; treated as prisoners of war, D.B. XI. 384; H.C. 1899. II. a. *3*, 52; H.C. 1907. IV. a. *3*, 210
Non-commissioned officer must parole through commissioned officer, L. VII. *127*, 370
Non-uniformed squads engaged in intermittent warfare shall be treated as pirates and robbers, L. IV. *82*, 364

Object of war, L. I. *29*, 355; L. III. *68*, 362
Occupant, can force local citizens into army of occupation if occupation is permanent, L. II. *33*, 356; can levy only such dues as are already established for local purposes, and must provide for local government, D.B. V. 383; O.M. II. *57*, 396; H.C. 1899. II. a. *48*, 66; H.C. 1907. IV. a. *48*, 226; can only use means of transportation, can not destroy them and must return them in original condition, O.M. II. *51*, 395; can not confiscate private property, D.B. XXXVIII. 387; H.C. 1899. II. a. *46*, 66; H.C. 1907. IV. a. *46*, 226; can not compel submission to orders by inhabitants amounting to taking part in military operations against their own country, D.B. XL. 387; H.C. 1899. II. a. *52*, 67; H.C. 1907. IV. a. *52*, 227; can not force local citizens into service of army of occupation, unless occupation is permanent, L. II. *33*, 356; can not force population to take part against their own country, D.B. XXXVI. 387; O.M. II. *48*, 395; H.C. 1899. II. a. *44*, 66; can not force population to furnish information about enemy, H.C. 1907. IV. a. *44* (m), 225; can not levy extraordinary contributions in money except in certain cases, O.M. II. *58*, 396; has only *de facto* authority over territory until end of war, O.M. I. *6*, 390; has right to appropriate property under certain conditions, L. II. *37*, 357; has right to tax, L. II. *37*, 357; inhabitants need not swear allegiance to, D.B. XXXVII. 387; O.M. II. *47*, 395; H.C. 1899. II. a. *45*, 66; H.C. 1907. IV. a. *45*, 226; is only usufructuary of public buildings, real estate, forests, and agricultural estates of hostile state D.B. VII. 383; H.C. 1899. II. a. *55*, 69; H.C. 1907. IV. a. *55*, 229; may demand coöperation of inhabitants for local necessities, O.M. II. *46*, 395; may destroy submarine cables between neutral and occupied territory if necessary, but must restore with compensation at end of war, H.C. 1907. IV. a. *54* (n), 228; may require pledge from civil officers or citizens of the territory for safety of, L. VII. *134*, 371; may seize means of communication, transportation, arms, ammunition, even of private individuals, if restored at end of war with compensation, D.B. VI. 383; H.C. 1907. IV. a. *53* (n), 228; may take possession of cash, funds, arms, transportation, moveable property belonging to the state, O.M. II. *50*, 395; O.M. II. *51*, 395; H.C. 1899. II. a. *53*, 68; H.C. 1907. IV. a. *53*, 228; may take possession of railway plant, land telegraphs, telephones, steamers, or private companies but must restore at peace with compensation, H.C. 1899. II. a. *53*, 68; must levy additional taxes only for military needs or administration of territory, H.C. 1899. II. a. *49*, 67; H.C. 1907. IV. a. *49*, 226; must levy contributions in accordance with local law, collect same by use of local officials in office, and on authority of high military or civil authority, giving receipt for each contribution, D.B. XLI. 387; O.M. II. *58*, 396; O.M. II. *60*, 397; H.C. 1899. II. a. *51*, 67; H.C. 1907. IV. a. *51*, 227; must inform inhabitants of his powers and limits of territory over which he rules, O.M. II. *42*, 394; must make payments demanded from inhabitants proportional to resources, D.B. XL. 387; must not allow pillage, H.C. 1899. II. a. *47*, 66; H.C. 1907. IV. a. *47*, 226; must not take payments or services from inhabitants in excess of necessities, D.B. XL. 387; must respect family honor, rights, life, private property, religion, D.B. XXXVIII. 387; O.M. II. *49*, 395; H.C. 1899. II. a.

46, 66; H.C. 1907. IV. a. *46*, 226; shall demand requisitions for needs of army only, in proportion to resources, on authority of commander, and paid for in cash or receipted for, H.C. 1907. IV. a. *52* (m), 228; shall keep safety and order under local laws so far as possible, D.B. II., III. 382; O.M. II. *43*, 394; O.M. II. *44*, 395; H.C. 1899. II. a. *43*, 65; H.C. 1907. IV. a. *43*, 225; shall protect local officials if they remain in office, D.B. IV. 382; shall treat as private property the property of communes, and religious, charitable, educational, artistic, scientific institutions, D.B. VIII. 383; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229; seizure or destruction of, or damage to, the above is forbidden, D.B. VIII. 383; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229; should retain and support local officials who will remain, O.M. II. *45*, 395; to levy forced loans, right of, L. II. *37*, 357; vessels shall be taken possession of by, D.B. VI. 383

Occupied territory, civil officers in, may be expelled from, L. I. *26*, 355; civil officers must take oath of allegiance to occupant of, L. I. *26*, 355; civil officers receive salaries during performance of duties in, L. II. *39*, 357; defined, D.B. I. 382; O.M. II. *41*, 394; H.C. 1899. II. a. *42*, 65; H.C. 1907. IV. a. *42*, 225; local magistrates in, may be expelled, L. I. *26*, 355; local magistrates must take oath of allegiance to occupant of, L. I. *26*, 355; local magistrates owe strict obedience to occupant of, L. I. *26*, 355; population not responsible for acts of individuals in, H.C. 1899. II. a. *50*, 67; H.C. 1907. IV. a. *50*, 227; punishment for robbery in, L. II. *44*, 358; punishment for wanton violence in, L. II. *44*, 358; relations between citizens under martial law in, L. II. *32*, 356; salaries are paid in, from public revenue of territory, L. II. *39*, 357; salaries are paid in, not to holders of honorary titles, L. II. *39*, 357; salaries are paid in, to civil officers who continue in office, L. II. *39*, 357; title to real property in, L. II. *31*, 356

Outposts, when it is forbidden to fire upon, L. III. *69*, 362

Oxford Manual, 389

Pacific settlement of international differences, powers agree to use efforts towards, H.C. 1899. I. *1*, 24; H.C. 1907. I. *1*, 156; settlement of international differences H.C. 1907. I. shall replace H.C. 1899. I., H.C. 1907. I. *91* (n), 189; settlement of international disputes, convention for the, H.C. 1907. I. (r), 135, 155; ratified (note), 193

Parish. *See* Communes

Parole, commissioned officers only can give, L. VII. *126*, 370; conduct of paroled officer if home country disapproves of, L. VII. *131*, 371; defined, L. VII. *120*, 370; given by written documents, L. VII. *125*, 370; interned officers may be released on, D.B. LIII. 388; O.M. II. *80*, 399; H.C. 1899. II. a. *57*, 70; H.C. 1907. V. *11*, 233; need not be given by either prisoner or captor, L. VII. *133*, 371; D.B. XXXII. 386; O.M. II. *77*, 398; H.C. 1899. II. a. *11*, 55; H.C. 1907. IV. a. *11*, 214; not a private but an individual act, L. VII. *121*, 370; not allowed on battlefield, or of entire body of troops, or of large number of prisoners by general declaration, L. VII. *128*, 173; of non-commissioned officer or private must be through officer, L. VII. *127*, 370; one belligerent may declare to other its position on the question of, L. VII. *132*, 371; prisoner of war forfeits right to treatment as such if recaptured after violating, O.M. II. *68*, 397; O.M. II. *78*, 398; prisoner of war forfeits right to treatment as such if recaptured bearing arms, thus violating, D.B. XXXIII. 386; H.C. 1899. II. a. *12*, 55; H.C. 1907. IV. a. *12*, 214; prisoners of war may be released on, L. VII. *119*, 370; L. VII. *123*, 370; D.B. XXXI. 386; O.M. II. *76*, 398; H.C. 1899. II. a. *10*, 54; H.C. 1907. IV. a. *10*, 213; punishment for breach of, L. VII. *124*, 370; to whom it applies, L. VII. *122*, 370; what the pledge consists of, L. VII. *130*, 371; when commanding officer can make agreement for troops under him to give, L. VII. *129*, 371

Partisans, what are, L. IV. *81*, 364

Peace conference of 1899. 6; of 1907. 112

Peaceful adjustment of international differences, convention for, H.C. 1899. I. 18, 21

Penal law during martial law, local, L. I. *6*, 351

Perfidy forbidden, O.M. I. *4*, 390;

not allowed by military necessity, L. I. *16*, 353; use of enemy's national flag or emblem is, L. III. *65*, 362
Permanent administrative council — *see* Administrative council; arbitration court, *see* Arbitration, permanent court of; court, signatory powers consider it duty to remind disputants of, H.C. 1899. I. *27*, 34; this is not unfriendly act, H.C. 1899. I. *27*, 34
Persia, reservation to H.C. 1907. X. 347; to H.C. 1907. XII. 347; to H.C. 1907. XIII. 348
Personnel for treatment of sick and wounded shall be protected, G.C. 1906. *9*, 405; for treatment of sick and wounded shall receive same pay as enemy corps while in hands of enemy, G.C. 1906. *13*, 406; of sanitary formations and establishments shall be protected and respected by belligerents, G.C. 1906. *6*, 404; of sanitary formations and establishments shall be protected and respected by belligerents unless used to injure enemy, G.C. 1908. *7*, 404; of sanitary formations and establishments may be armed for self-defense, G.C. 1906. *8*, 405; of sanitary formations and establishments may be protected by armed detachment, G.C. 1906. *8*, 405; of sanitary formations and establishments, the presence of arms taken from the sick do not cause forfeiture of protection to, G.C. 1906. *8*, 405; of sanitary formations and establishments, guards are protected if belonging to, G.C. 1906. *9*, 405; of sanitary formations and establishments and volunteer aid societies continue operations after falling into power of enemy, G.C. 1906. *12*, 405; when no longer needed will be sent back to their army or country, G.C. 1906. *12*, 405
Persons in hostile country, United States protection of, L. II. *37*, 357
Peru, reservation to H.C. 1907. II. 342
Philanthropic purposes, vessels are exempt from capture if devoted to, H.C. 1907. XI. *4*, 283; war ships are exempt from 24-hour rule if devoted to, H.C. 1907. XIII. *14*, 323
Physicians are neutral, G.C. 1864. II. 376; O.M. II. *12*, 391; may remain after occupation by enemy, G.C. 1864. III. 376; G.C. 1868. Ad. I. 378; O.M. II. *13*, 391; time of departure, G.C. 1868. Ad. I. 378; O.M. II. *14*, 391
Pickets must not be fired upon, L. III. *69*, 362
Pillage is forbidden, D.B. XXXIX. 387; H.C. 1899. II. a. *47*, 66; H.C. 1907. IV. a. *47*, 226; even when town is taken by storm, D.B. XVIII. 385; O.M. II. *31*, 393; H.C. 1899. II. a. *28*, 61; H.C. 1907. IV. a. *28*, 221; H.C. 1907. IX. *7*, 263; punishment for, L. II. *44*, 358; signatory governments agree to pass laws to prevent ill treatment of sick and, G.C. 1906. *28*, 408
Pirates, uncommissioned, non-uniformed squads engaged in intermittent warfare shall be treated as robbers and, L. IV. *82*, 364
Poison is forbidden, L. III. *70*, 362; O.M. II. *8* (a), 390; not allowed by military necessity, L. I. *16*, 353; or poisoned arms forbidden, D.B. XIII (a), 384; H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219
Police, martial law affects, L. I. *10*, 352
Postal correspondence must be forwarded as soon as possible if ship is detained, H.C. 1907. XI. *1*, 282; on neutral or enemy ship is inviolable unless intended for blockaded port in violation of blockade, H.C. 1907. XI. *1*, 282
Postliminy, escaped slaves under the law of, L. II. *43*, 358
Prisoners of war, aeronauts are, O.M. II. *20*, 392; after providing for prisoner's support, captor may appropriate large sums of money found upon, L. III. *72*, 363; all facilities will be allowed relief societies for, H.C. 1899. II. a. *15*, 57; H.C. 1907. IV. a. *15*, 216; answerable for crimes committed before capture, L. III. *59*, 361; apothecaries are not, L. III. *53*, 360; are in power of captor government, not of individual, L. III. *74*, 363; D.B. XXIII, 385; O.M. II. *61*, 397; H.C. 1899. II. a. *4*, 52; H.C. 1907. IV. a. *4*, 211; are under same rules as army of captor, O.M. II. *62*, 397; H.C. 1899. II. a. *8*, 54; H.C. 1907. IV. a. *8*, 213; armed prowlers are not entitled to privileges of, L. IV. *84*, 365; belligerents shall inform each other of changes in dead and wounded, H.C. 1907. X. *17* (n), 275; burial of, H.C. 1899. II. a. *19*, 58; H.C. 1907. IV. a. *19*, 218; can not be kept captive if sick and unfit for service, O.M. II. *74*, 398; after conclusion of peace, O.M. II. *73*, 398; can not be made to take part in operations or give information, O.M. II. *70*, 398; captured while trying to escape are subject to disciplinary punishment, H.C. 1899. II. a. *8*, 54; H.C. 1907. IV. a. *8*, 213;

chaplains are generally not, L. III. *53*, 360; combatants and non-combatants in army are, D.B. XI. 384; contractors may be, D.B. XXXIV. 386; H.C. 1899. II. a. *13*, 55; H.C. 1907. IV. a. *13*, 214; crew of enemy merchant ship, when nationals of neutral state, are not made, H.C. 1907. XI. *5*, 284; officers nationals of neutral state if they promise not to serve on enemy vessel, are not made, H.C. 1907. XI. *5*, 284; crew, nationals of enemy state, if they agree not to aid in war, are not made, H.C. 1907. XI. *6*, 284; defined, L. III. *49*, *50*, 361; D.B. XXIII. 385; O.M. II. *20*, 392; enjoy free postage, H.C. 1899. II. a. *16*, 57; H.C. 1907. IV. a. *16*, 217; enjoy freedom from duties on presents and relief in kind sent to them, H.C. 1899. II. a. *16*, 57; H.C. 1907. IV. a. *16*, 217; escaped, received by neutral, or brought in by troops taking refuge in neutral territory shall be left at liberty, H.C. 1907. V. *13*, 234; evacuations of sick and wounded may pass through neutral territory if not composed of, O.M. II. *83*, 399; exchange of, L. VI. *110*, 368; O.M. II. *75*, 398; exchange of, by mutual agreement, D.B. XXX. 386; exchange of, equal for equal, L. VI. *105*, 368; exchange of, not necessary, L. VI. *109*, 368; exchange of, several of inferior rank equivalent to one of superior rank, L. VI. *106*, 368; hospital staff are not, L. III. *53*, 360; hospital staff of captured vessel are not, H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, *272*; how fed, L. III. *76*, 363; individual captor can not take ransom of, L. III. *74*, 363; information bureau must be established by each belligerent regarding, H.C. 1899. II. a. *14*, 56; H.C. 1907. IV. a. *14* (m), 215; shall have free postage, H.C. 1899. II. a. *16*, 57; H.C. 1907. IV. a. *16*, 217; insubordination gives right to use severe measures against, D.B. XXIII. 385; O.M. II. *67*, 397; H.C. 1899. II. a. *8*, 54; H.C. 1907. IV. a. *8*, 213; levies *en masse* may be made, L. III. *51*, 360; liable to retaliatory measures, L. III. *59*, 361; lose right to treatment as such if they violate parole, O.M. II. *68*, 397; lose right to treatment as such if they violate parole by bearing arms, D.B. XXXIII. 386; O.M. II. *78*, 398; H.C. 1899. II. a. *12*, 55; H.C. 1907. IV. a. *12*, 214; may be confined, L. III. *75*, 363; O.M. II. *66*, 397; may be confined only when absolutely necessary, D.B. XXIV. 385; O.M. II. *66*, 397; H.C. 1899. II. a. *5*, 52; may be confined only so long as circumstances justify, H.C. 1907. IV. a. *5* (m), 211; may be employed, D.B. XXV. 385; O.M. II. *71*, *72*, 398; H.C. 1899. II. a. *6*, 53; except officers, H.C. 1907. IV. a. *6* (m), 211; may be interned, D.B. XXIV. 385; H.C. 1899. II. a. *5*, 52; may be interned only while circumstances demanding it exist, H.C. 1907. IV. a. *5* (m), 211; may be released on parole, L. VII. *119*, *123*, 370; D.B. XXXI. 386; O.M. II. *76*, 398; H.C. 1899. II. a. *10*, 54; H.C. 1907. IV. a. *10*, 213; may be required to work, L. III. *76*, 363; may, if officers, receive full pay, H.C. 1899. II. a. *17*, 58; may not be employed for war purposes, D.B. XXVI. 386; may work for public or private persons, or on own account, H.C. 1899. II. a. *6*, 53; H.C. 1907. IV. a. *6*, 212; medical staff of captured ship are not, H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273; messengers are, O.M. II. *20*, 392; must be humanely treated, D.B. XXIII. 385; O.M. II. *63*, 397; H.C. 1899. II. a. *4*, 52; H.C. 1907. IV. a. *4*, 211; must be treated uniformly, L. III. *67*, 362; must give name and rank, L. VI. *107*, 368; must give name and rank if asked, D.B. XXIX. 396; O.M. II. *65*, 397; H.C. 1899. II. a. *9*, 54; H.C. 1907. IV. a. *9*, 213; must not be forced to give information, L. III. *80*, 364; need not give parole, L. VII. *133*, 371; D.B. XXXII. 386; O.M. II. *77*, 398; H.C. 1899. II. a. *11*, 55; H.C. 1907. IV. a. *11*, 214; newspaper reporters may be made, L. III. *50*, 60; D.B. XXXIV. 386; H.C. 1899. II. a. *13*, 55; H.C. 1907. IV. a. *13*, 214; non-combatants treated as, H.C. 1899. II. a. *3*, 52; H.C. 1907. IV. a. *3*, 210; officers receive same pay as officers of captor country, H.C. 1907. IV. a. *17* (m), 217; partisans treated as, L. IV. *81*, 364; personnel for treatment of sick and wounded are not, G.C. 1906. *9*, 405; physicians are not, L. III. *53*, 360; attempting to escape, punishment of, L. III. *77*, 363; plotting rebellion, punishment of, L. III. *77*, 364; recaptured after successful escape are not liable to punishment, L. III. *78*, 364; D.B. XXVIII. 386; O.M. II. *68*, 397; H.C. 1899. II. a. *8*, 54; H.C. 1907. IV. a. *8*, 213; release, after exchange, of surplus, L. VI. *108*,

368; religious staff of captured ship are not, H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273; retain personal property except arms, D.B. XXIII. 385; O.M. II. *64*, 397; retain personal property except arms, horses and military papers, H.C. 1899. II. a. *4*, 52; H.C. 1907. IV. a. *4*, 211; seeking to escape may be fired upon, D.B. XXVIII. 386; O.M. II. *68*, 397; shall be maintained by captor government, and in absence of agreement upon same footing as captor's army, D.B. XXVII. 386; O.M. II. *69*, 397; H.C. 1899. II. a. *7*, 53; H.C. 1907. IV. a. *7*, 212; shall be paid for employment, O.M. II. *72*, 398; shall be paid for employment at same rate as captor's soldiers, H.C. 1899. II. a. *6*, 53; H.C. 1907. IV. a. *6* (m), 212; shall be repatriated as soon as possible after peace, H.C. 1899. II. a. *20*, 59; H.C. 1907. IV. a. *20*, 218; shall have freedom of religion, H.C. 1899. II. a. *18*, 58; H.C. 1907. IV. a. *18*, 217; shall have wages used to improve their condition, H.C. 1899. II. a. *6*, 53; H.C. 1907. IV. a. *6*, 212; sick and wounded in hands of enemy are, H.C. 1899. III. *9*, 77; G.C. 1906. *2*, 403; H.C. 1907. X. *14*, 274; sick and wounded, disposal of, H.C. 1899. III. *9*, 77; H.C. 1907. X. *14*, 274; spies are not, O.M. II. *22*, 392; sutlers may be, L. III. *50*, 360; D.B. XXXIV. 386; H.C. 1899. II. a. *13*, 55; H.C. 1907. IV. a. *13*, 214; treatment of, L. III. *56*, 360; vivandiers may be — *see* Sutlers; war rebels are not, L. IV. *85*, 365; when monarchs are, L. III. *50*, 360; wills of, H.C. 1899. II. a. *19*, 58; H.C. 1907. IV. a. *19*, 218

Private hospital ships, act at their own risk, G.C. 1868. Ad. XIII. 380; H.C. 1899. III. *4*, 75; H.C. 1907. X. *4*, 269; belligerents may control, G.C. 1868. Ad. XIII. 380; H.C. 1899. III. *4*, 75; H.C. 1907. X. *4*, 269; equipped by belligerent citizens, can not be captured, H.C. 1899. III. *2*, 73; H.C. 1907. X. *2*, 268; equipped by neutral citizens, can not be captured, H.C. 1899. III. *3*, 74; if under the control of one belligerent, H.C. 1907. X. *3* (m), 268; must bear certificate, G.C. 1868. Ad. XIII. 380; H.C. 1899. III. *2*, 74; H.C. 1907. X. *2*, 268; must make no distinction because of nationality of sick and wounded, G.C. 1868. Ad. XIII. 380; H.C. 1899. III. *4*, 74; H.C. 1907. X. *4*, 269; must not interfere with combatants, G.C. 1868. Ad. XIII. 380; H.C. 1899. III. *4*, 74; H.C. 1907. X. *4*, 269; neutral or belligerent, shall be painted white with red band, G.C. 1868. Ad. XIII. 380; H.C. 1899. III. *5*, 75; H.C. 1907. X. *5*, 270; shall carry national flag and red cross flag, G.C. 1868. Ad. XIII. 380; H.C. 1899. III. *5*, 75; H.C. 1907. X. *5*, 270; sick and wounded can not serve during war if picked up by, G.C. 1868. Ad. XIII. 380; under certain conditions shall be neutral, G.C. 1868. Ad. XIII. 380; ship's staff shall wear red cross armlet, G.C. 1868. Ad. XIII. 380

Private yachts must hand over sick and wounded picked up by them if belligerent demands it, H.C. 1907. X. *12* (n), 273

Privateering abolished, Paris, 349

Privileges, cf. Immunity

Prize brought into neutral port not under circumstances of H.C. 1907. XIII. *21*, must be released, H.C. 1907. XIII. *22*, 326; captured in neutral waters must be liberated and prize crew interned, H.C. 1907. XIII. *3*, 319

Prize court can not be set up on neutral territory or waters, H.C. 1907. XIII. *4*, 320

Prize court, international, *constitution:* administrative council fulfills same functions as for permanent arbitration court, H.C. 1907. XII. *22*, 300; assessor, belligerent captor or interested neutral may appoint naval officer as, H.C. 1907. XII. *18*, 298; attorneys for private individuals, who may act as, H.C. 1907. XII. *26*, 301; international bureau acts as registry for, H.C. 1907. XII. *23*, 300; *judges:* contracting powers appoint deputy judges and, H.C. 1907. XII. *10*, 295; compensation of, H.C. 1907. XII. *20*, 299; have diplomatic immunities, H.C. 1907. XII. *13*, 296; if judge is absent, deputy judge sits, H.C. 1907. XII. *14*, 297; in case its judge is not sitting when case comes up belligerent may ask to have him admitted, H.C. 1907. XII. *16*, 297; may also be judges of judicial arbitration court, H.C. 1907. a. *16*, 147; method of ranking, H.C. 1907. XII. *12*, 296; method of seating, H.C. 1907. XII. *15*, 297; must take oath, H.C. 1907. XII. *13*, 296; no judge can serve any party in any capacity, H.C. 1907. XII. *17*, 298; no judge can sit who took part in lower decision, H.C. 1907. XII.

17, 298; permanent judges, H.C. 1907. XII. *15*, 297; serve six years and may be reappointed, H.C. 1907. XII. *11*, 295; several countries may appoint same, H.C. 1907. XII. *15*, 297; there are in the court fifteen, H.C. 1907. XII. *14*, 297; language is determined by court, but official language of national court giving first decision may be used, H.C. 1907. XII. *24*, 300; method of electing officers, H.C. 1907. XII. *19*, 298; notices to be served are served by government on whose territory service is necessary and at request of court, H.C. 1907. XII. *27*, 301; parties may appoint agents and counsel, H.C. 1907. XII. *25*, 300; quorum, how constituted, H. C. 1907. XII. *14*, 297; sits at The Hague, and can not change without consent of parties, H.C. 1907. XII. *21*, 299; vacancy, how filled, H.C. 1907. XII. *11*, 296; *convention* relative to the establishment of an, H.C. 1907. XII. 136, 288; not ratified (note), 315; *general provisions:* basis of appeal against national prize court, H.C. 1907. XII. *3*, 291; if capture is adjudged invalid, international court may order restitution or damages, H.C. 1907. XII. *8*, 294; if capture is adjudged valid, vessel is disposed of according to law of captor, H.C. 1907. XII. *8*, 294; if national court adjudged capture null, international court can only decide as to damages, H.C. 1907. XII. *8*, 294; if national courts do not decide case in 2 years, case may go direct to international court, H.C. 1907. XII. *6*, 293; if no international law applies, general justice and equity rule, H.C. 1907. XII. *7*, 293; if prize violated law of captor, court shall enforce law unless unjust, H.C. 1907. XII. *7*, 294; if treaty is in force, it shall govern, H.C. 1907. XII. *7*, 293; if treaty is not in force, international law applies, H.C. 1907. XII. *7*, 293; judgment of belligerent captor is notified to belligerent or neutral parties interested, H.C. 1907. XII. *2*, 290; judgment of national may be brought before international court in certain cases, H.C. 1907. XII. *3*, 290; jurisdiction is exercised in first instance by captor, H.C. 1907. XII. *2*, 290; method of appeal from national court is decided by local law, H.C. 1907. XII. *6*, 293; national courts can deal only in two instances with case, H.C. 1907. XII. *6*, 293; signatory powers agree to submit to decisions of international court, H.C. 1907. XII. *9*, 295; validity of capture of merchant ship is decided in accordance with H.C. 1907. XII., H.C. 1907. XII. *1*, 289; who may appeal to international court, H.C. 1907. XII. *4*, 291; H.C. 1907. XII. *5*, 292; *procedure:* appeal before national court must be transmitted to international court, H.C. 1907. XII. *29*, 302; appeal by neutral individual is notified to his government, H.C. 1907. XII. *29*, 303; appeal, copy is sent to respondent, H.C. 1907. XII. *32*, 304; appeal, may be by telegram, H.C. 1907. XII. *28*, 302; appeal must be made in national court or before international bureau, H.C. 1907. XII. *28*, 302; appeal must be made within 120 days, H.C. 1907. XII. *28*, 302; appeal not made within time is rejected except in case of *force majeure*, H.C. 1907. XII. *31*, 303; appeal of other parties, H.C. 1907. XII. *33*, 304; appeal to international bureau is notified to national court, H.C. 1907. XII. *29*, 303; appeal without national court decision must go direct to international bureau, H.C. 1907. XII. *30*, 303; court may propose modifications in present convention, H.C. 1907. XII. *50*, 309; court will proceed without party who fails to appear or comply with regulations, H.C. 1907. XII. *40*, 306; decision and record of case are sent to national court, H.C. 1907. XII. *45*, 307; decision is arrived at in private with secret proceedings, H.C. 1907. XII. *43*, 307; decision must give reasons and be signed by judges and president and registrar, H.C. 1907. XII. *44*, 307; decision must take into account all facts, evidence, and oral statements, H.C. 1907. XII. *42*, 307; decisions are made by majority of judges present, H.C. 1907. XII. *43*, 307; decrees made in absence of a party are notified to it, H.C. 1907. XII. *41*, 306; delegation performs duties of court when latter is not sitting, H.C. 1907. XII. *48*, 309; discussions are controlled by president, H.C. 1907. XII. *38*, 306; discussions are public, subject to contrary request of a litigant, H.C. 1907. XII. *39*, 306; discussions, oral, H.C. 1907. XII. *34*, 304; expenses of court, general, how borne, H.C. 1907. XII.

47, 308; expenses of trial, how borne, H.C. 1907. XII. *46*, 308; judge appointed by a belligerent can not preside, H.C. 1907. XII. *38*, 306; parties are summoned for every stage of proceedings, H.C. 1907. XII. *37*, 305; parties receive certified copies of the minutes, H.C. 1907. XII. *37*, 306; pleadings, H.C. 1907. XII. *34*, 304; procedure, court draws up its own rules of, H.C. 1907. XII. *49*, 309; sentence pronounced in public sitting, H.C. 1907. XII. *45*, 307; sitting, public, H.C. 1907. XII. *35*, 305; supplementary evidence, H.C. 1907. XII. *36*, 305; tables of judges and deputy judges, H.C. 1907. XII. 316

Prize may be brought into neutral port pending decision of prize court, H.C. 1907. XIII. *23*, 326

Prize may be brought into neutral port under certain conditions, H.C. 1907. XIII. *21*, 325

Prize money can be claimed only under local law, L. II. *45*, 358

Procedure, arbitration. *See* Arbitration procedure, *and* Arbitration procedure, summary

Projectiles and explosives from balloons, declaration prohibiting discharge of, H.C. 1899. 19, 79; H.C. 1907. XIV. 136, 332; ratified (note), 334

Projectiles causing useless suffering forbidden, O.M. II. *9* (a), 391; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219

Property, during military occupation, title to real, L. II. *31*, 356; for appropriation by victor, charitable establishments are not public, L. II. *34*, 356; for appropriation by victor, museums not public, L. II. *34*, 356; it is forbidden, except under military necessity, to seize or destroy, D.B. XIII. (g), 384; O.M. II. *31*, 393; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; movable, seized by victorious army, public, L. II. *31*, 356; public buildings, forests, etc., of enemy state, occupant is only provisional administrator of real, D.B. VII. 383, O.M. II. *52*, 396; H.C. 1899. II. a. *55*, 69; H.C. 1907. IV. a. *55*, 229; right of invader to appropriate, L. II. *37*, 357; seized, receipts must be given for, L. II. *38*, 357; seizure by occupant can be made of movable, D.B. VI. 383; O.M. II. *50*, 395; H.C. 1899. II. a. *53*, 68; H.C. 1899. IV. a. *53*, 228; sequestered by victorious army, revenues of real, L. II. *31*, 356

Property, private, can be seized only from military necessity, L. II. *38*, 357; can not be confiscated, D.B. XXXVIII. 387; H.C. 1899. II. a. *46*, 66; H.C. 1907. IV. a. *46*, 226; hospital staff, upon withdrawing, can retain only, G.C. 1864. IV. 377; O.M. II. *38*, 394; hospital staff on captured vessel may take, G.C. 1868. Ad. VII. 379; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273; in hostile country, U.S. protection of, L. II. *37*, 357; in naval war, vœu concerning, H.C. 1899. 20; material of aid societies may be requisitioned although, G.C. 1906. *16*, 406; means of transportation, may be seized if restored at peace with indemnity, although they are, O.M. II. *55*, 396; medical staff on captured vessel may remove, G.C. 1868. Ad. VII. 379; money on prisoner can not be appropriated as it is, L. III. *72*, 363; must be respected, O.M. II. *54*, 396; occupant of territory must respect, D.B. XXXVIII. 387; O.M. II. *49*, 395; H.C. 1899. II. a. *46*, 66; H.C. 1907. IV. a. *46*, 226; property of communes, religious, charitable, educational, artistic, and scientific institutions shall not be seized or destroyed, O.M. II. *53*, 396; and shall be treated as, D.B. VIII. 383; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229; religious staff on captured vessel may remove, G.C. 1868. Ad. VII. 379; retained by prisoners of war except arms, D.B. XXIII. 385; O.M. II. *64*, 397; and except horses and military papers, H.C. 1899. II. a. *4*, 52; H.C. 1907. IV. a. *4*, 211; valuables on prisoner can not be appropriated as they are, L. III. *72*, 363

Protection, flags of, besieger will be guided by, L. VI. *116*, 369; deception in using is ground for refusal to respect, L. VI. *117*, 369; miscellaneous institutions sometimes designated at request of besieger by, L. VI. *118*, 369; *see* Red Cross; *see* Truce, flag of; yellow flags used to protect hospitals during engagement, L. VI. *115*, 369

Prowlers not entitled to privileges of prisoners of war, armed, L. IV. *84*, 365

Public, armed ships and ships for warlike purposes are part of armed force, crews of, O.M. I. *2*, 390; money seized by victorious army, L. II. *31*, 356; war defined, L. I. *20*, 354

Quarter, can not be refused, D.B. XIII. (d), 384; O.M. II. *9* (b), 391; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; is not given to troops wearing enemy uniform without distinguishing mark, L. III. *63*, 361; right to kill already disabled enemies is not implied in refusal to give quarter, L. III. *61*, 361; soldiers, right of invader to, L. II. *37*, 357; troops giving none, receive none, L. III. *62*, 361; L. III. *66*, 362; when it is proper to refuse, L. III. *60*, 361

Quartering of troops must be apportioned with regard to zeal of inhabitants in aiding wounded, O.M. II. *59*, 396

Railway material shall be requisitioned only so far as necessary, and shall be returned with compensation, neutral, H.C. 1907. V. *19*, 236

Railway plant from neutral states or private persons shall be sent back as soon as possible, H.C. 1899. II. a. *54*, 69

Railway trains and vessels, return of sanitary matériel includes, G.C. 1906. *17*, 406

Ransom of prisoner of war can not be taken by individual captor, L. III. *74*, 363

Rebellion, classification of citizens in a territory in; *disloyal citizens:* active but unarmed, aiding rebels, L. X. *155*, 375; sympathizing, L. X. *155*, 375; *loyal citizens*, L. X. *155*, 375; defined, L. X. *151*, 374; demanding oath of allegiance during, L. X. *156*, 375; who bears burdens of, L. X. *156*, 375

Rebels, acknowledgment of rebel government is not implied by adoption of rules of war in dealing with, L. X. *152*, 374; L. X. *153*, 375; exchanges of war, L. V. *103*, 367; sex does not alter rule regarding war, L. V. *102*, 367; trial of leaders for treason is not prevented by adoption of rules of war in dealing with, L. X. *154*, 375; what are war, L. IV. *85*, 365

Receipt, shall be given for contribution, D.B. XLI. 387; H.C. 1899. II. a, *51*, 67; H.C. 1907. IV. a. *51*, 227; shall be given for requisition, O.M. II. *60*, 397

Red cross, and national flags of belligerent to whom attached, sanitary formations must fly, G.C. 1906. *21*, 407; arm bands, brassards, flags, and all sanitary matériel bear, G.C. 1906. *19*, 407; armlet, private hospital ship's staff shall wear, G.C. 1868. Ad. XIII. 380; badges, it is forbidden to misuse, D.B. XIII. (f), 384; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; conventions, G.C. 1864. 376; G.C. 1868. Ad. 378; G.C. 1906. 402; flags, hospital ships shall carry national and, H.C. 1899. III. *5*, 75; and if neutral, shall also carry flag of belligerent under whose control they are, H.C. 1907. X. *5* (m), 270; hospitals, ambulances, and evacuations shall adopt brassard and flag with white ground bearing, G.C. 1864. VII. 377; O.M. II. *40*, 394; is emblem of sanitary service of armies, G.C. 1906. *18*, 407; neutral sanitary formations in hands of enemy fly only, G.C. 1906. *22*, 407; neutralized persons shall wear arm badge with, O.M. II. *16*, 392; vessels shall be designated by white flag with, G.C. 1868. Ad. XII. 380; or Geneva cross can only be used in peace or war for sanitary formations and establishments and their personnel, G.C. 1906. *23*, 407; must not be used for commercial purposes, or trade-marks, and signatory powers agree to pass legislation to this effect, G.C. 1906. *27*, 408; sanitary formations in hands of enemy fly only flag with, G.C. 1906. *21*, 407; standard or flag used by ambulances, hospitals, and evacuations must be accompanied by national flag, O.M. II. *40*, 394; who shall wear arm bands with, G.C. 1906. *20*, 407

Relief societies for prisoners of war shall be allowed all facilities for their work, H.C. 1899. II. a. *15*, 57; H.C. 1907. IV. a. *15*, 216

Religion and morality in hostile country, United States protection of, L. II. *37*, 357; occupant must respect, D.B. XXXVIII. 387; O.M. II. *49*, 395; H.C. 1899. II. a. *46*, 66; H.C. 1907. IV. a. *46*, 226

Religious institutions, shall be treated as private property, property of, D.B. VIII. 383; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229; shall not be seized, destroyed, or damaged, property of, D.B. VIII. 383; O.M. II. *53*, 396; H.C. 1899. II. a. *56*. 69; H.C. 1907. IV. a. *56*, 229; should be designated during bombardment, D.B. XVII. 384; O.M. II. *34*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 221; H.C. 1907. IX. *5*, 263; should be protected during bombardment, D.B.

XVII. 384; O.M. II. *33*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 220; H.C. 1907. IX. *5*, 262; staff on captured vessel is neutral, G.C. 1868. Ad. VII. 379; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 272; may leave after removal of wounded, G.C. 1868. Ad. VIII. 379; may take private property with them, G.C. 1868. Ad. VII. 379; H.C. 1899. III. *7*, 76; H.C. 1907. X. *10*, 273; staff shall receive salary after capture, G.C. 1868. Ad. VIII. 379; vessels are exempt from capture, H.C. 1907. XI. *4*, 283; war ships are not under 24-hour rule, H.C. 1907. XIII. *14*, 323

Reprisals, are forbidden where injury has been repaired, O.M. III. *85*, 400; may be used to punish where offenders against law of war are not within reach in person, O.M. III. 400; must be similar to injury which was committed by enemy, must be ordered by general in chief, must be humane and moral, O.M. III. *86*, 400

Requisitioned, enemy merchant ship on high seas and ignorant of war may, upon payment of compensation, be, H.C. 1907. VI. *3*, 242; enemy merchant ship unable to leave enemy port within time limit may be detained, subject to restoration, or, upon payment, may be, H.C. 1907. VI. *2*, 242

Requisitions, must be apportioned with regard to zeal of inhabitants in aiding wounded, O.M. II. *59*, 396; rules of international law apply to civil personnel and means of transportation secured by, G.C. 1906. *17*, 407; should be authenticated by receipts, D.B. XLII. 387; O.M. II. *60*, 397; H.C. 1899. II. a. *52*, 68; H.C. 1907. IV. a. *52*, 228; should be for the necessities only of the army, O.M. II. *56*, 396; H.C. 1899. II. a. *52*, 67; H.C. 1907. IV. a. *52*, 227; H.C. 1907. IX. *3*, 261; should be in proportion to resources of the country, O.M. II. *56*, 396; H.C. 1899. II. a. *52*, 67; H.C. 1907. IV. a. *52*, 227; H.C. 1907. IX. *3*, 261; should be paid for in cash if receipt is not given, D.B. XLII. 387; H.C. 1899. II. a. *52*, 67; H.C. 1907. IV. a. *52*, 228; H.C. 1907. IX. *3*, 262; should be under authority of commanding officer, D.B. XLII. 387; O.M. II. *56*, 396; H.C. 1899. II. a. *52*, 68; H.C. 1899. IV. a. *52*, 228; town may be bombarded for refusal to give, H.C. 1907. IX. *3*, 261

Reservations, to *H.C. 1899:* Roumania, to H.C. 1899. I. 90; Servia, to H.C. 1899. I. 91; Turkey, to H.C. 1899. I. 92; United States, to H.C. 1899. I. 90; to *H.C. 1907:* Argentina, to H.C. 1907. II. 341; to H.C. 1907. V. 344; Austria-Hungary, to H.C. 1907. IV. 343; Bolivia, to H.C. 1907. II. 341; Brazil, to H.C. 1907. I. 340; Chile, to H.C. 1907. I. 340; to H.C. 1907. IX. 346; to H.C. 1907. XII. 347; China, to H.C. 1907. X. 346; Colombia, to H.C. 1907. II. 341; Cuba, to H.C. 1907. XII. 347; Dominican Republic, to H.C. 1907. II. 342; to H.C. 1907. VIII. 345; to H.C. 1907. XIII. 348; Equador, to H.C. 1907. II. 342; to H.C. 1907. XII. 347; France, to H.C. 1907. VIII. 345; to H.C. 1907. IX. 346; Germany, to H.C. 1907. IV. 343; to H.C. 1907. VI. 344; to H.C. 1907. VIII. 345; to H.C. 1907. IX. 346; to H.C. 1907. XIII. 347; Great Britain, to H.C. 1907. V. 344; to H.C. 1907. VIII. 345; to H.C. 1907. IX. 346; to H.C. 1907. X. 346; to H.C. 1907. XIII. 348; Greece, to H.C. 1907. I. 340; to H.C. 1907. II. 342; Guatemala, to H.C. 1907. II. 342; to H.C. 1907. XII. 347; Haiti, to H.C. 1907. XII. 347; Japan, to H.C. 1907. I. 340; to H.C. 1907. IV. 344; to H.C. 1907. IX. 346; to H.C. 1907. XIII. 348; Montenegro, to H.C. 1907. IV. 344; Persia, to H.C. 1907. X. 347; to H.C. 1907. XII. 347; to H.C. 1907; XIII. 348; Peru, to H.C. 1907. II. 342; Roumania, to H.C. 1907. I. 340. Russia, to H.C. 1907. IV. 344; to H.C. 1907. VI. 344; Salvador, to H.C. 1907. II. 343; to H.C. 1907. XII. 347; Siam, to H.C. 1907. VIII. 345; to H.C. 1907. XII. 347; to H.C. 1907. XIII. 348; Switzerland, to H.C. 1907. I. 340; to recommendation No. 1, H.C. 1907. 348; Turkey, to H.C. 1907. I. 340; to H.C. 1907. IV. 344; to H.C. 1907. VII. 345; to H.C. 1907. VIII. 345; to H.C. 1907. X. 347; to H.C. 1907. XII. 347; to H.C. 1907. XIII. 348; United States, to H.C. 1907. I. 340; Uruguay, to H.C. 1907. II. 343; to H.C. 1907. XII. 347

Retaliation, L. I. *27*, 355; in case of enslavement of United States soldiers by enemy, L. III. *58*, 361; merely protective, L. I. *28*, 355; not revenge, L. I. *28*, 355

Retaliatory measures, prisoner of war liable to, L. III. *59*, 361

Revenues, martial law affects, L. I. *10*, 352
Rights, and duties of neutral powers and persons in case of war on land, convention concerning, H.C. 1907. V. 135, 230; ratified (note), 240; and duties of neutral powers in naval war, convention concerning the, H.C. 1907. XIII. 136, 317; ratified (note), 331; and duties of neutrals, vœu concerning, H.C. 1899. 20
Robbers, uncommissioned, non-uniformed, squads engaged in intermittent warfare shall be treated as pirates and, L. IV. *82*, 364
Robbing or mutilation of the dead is forbidden, O.M. II. *18*, 392
Roumania, reservation to H.C. 1899. I. 90; to H.C. 1907. I. 340
Ruses de guerre. *See* Deception, Ruses of war, *and* Stratagem
Ruses of war allowed, H.C. 1899. II. a. *24*, 60; H.C. 1907. IV. a. *24*, 220
Russia, reservation to H.C. 1907. IV. 344; to H.C. 1907. VI. 344
Russia, secretary of state to U.S. representatives, expressing pleasure at general willingness to hold second conference, with exception of Japan and (1904), 97
Russian ambassador, secretary of state to, acknowledging note of Russia offering to call second conference (1905), 99; secretary of state to, objects to date proposed, because of conflict with Rio de Janeiro conference (1906), 101; to secretary of state, gives list of reservations to programme proposed by powers (1907), 108; regarding adhesion of states not present at first conference (1906), 106; suggests programme (1906), 103; circular proposing conference regarding limitation of armaments (1898), 1; programme of first conference (1898), 3

Safe-conduct, by whom given, L.V. *86*, *87*, 365; refusal of is not an international affront, L.V. *87*, 365; when ambassadors may receive, L. V. *87*, 365
St. Petersburg, declaration of (explosive bullets), 381
Salary of neutralized person, G.C. 1868. Ad. II. 378; O.M. II. *15*, 391
Salvador, reservation to H.C. 1907. II. 343; reservation to H.C. 1907. XII. 347
Sanitary formations and establishments and personnel, only shall use red cross or Geneva cross, either in peace or war, G.C. 1906. *23*, 407; shall be protected and respected by belligerents, G.C. 1906. *6*, 404; arms taken from wounded, if found in sanitary formations do not cause them to forfeit protection, G.C. 1906. *8*, 405; may be protected by armed detachment or sentinels, G.C. 1906. *8*, 405; personnel may be armed for self-defense or defense of sick and wounded, H.C. 1906. *8*, 405; protection ceases if they are used to injure enemy, G.C. 1906. *7*, 404; and volunteer aid societies continue operations after falling into power of enemy, personnel of, G.C. 1906, *12*, 405; convoys of evacuation shall, with certain exceptions, be treated as mobile, G.C. 1906. *17*, 406; enemy may use and return material of mobile, G.C. 1906. *14*, 406; in hands of enemy fly only red cross flag, G.C. 1906. *21*, 407; neutral, G.C. 1906. *22*, 407; shall retain matériel, mobile, G.C. 1906. *14*, 406; may not be used for other purposes unless sick and wounded are first taken care of, matériel and buildings of fixed, G.C. 1906. *15*, 406; must fly red cross and national flags, G.C. 1906. *21*, 407; must fly red cross and national flags of belligerent to whom attached, G.C. 1906. *22*, 407; service of armies, red cross is emblem of, G.C. 1906. *18*, 407
Scientific establishments, shall be treated as private property, property of; it shall not be seized, destroyed, or damaged, D.B. VIII. 383; O.M. II. *53*, 396; H.C. 1899. II. a. *56*, 69; H.C. 1907. IV. a. *56*, 229; should be designated during bombardment, D.B. XVII. 384; O.M. II. *34*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 220; H.C. 1907. IX. *5*, 263; should be protected during bombardment, D.B. XVII. 384; O.M. II. *33*, 393; H.C. 1899. II. a. *27*, 61; H.C. 1907. IV. a. *27*, 220; H.C. 1907. IX. *5*, 262
Scientific instruments and works of art must be protected, L. II. *35*, 356
Scientific purposes, vessels are exempt from capture if devoted to, H.C. 1907. XI. *4*, 283; war ships are exempt from 24-hour rule if devoted to, H.C. 1907. XIII. *14*, 323
Scouts, L. IV. *83*, 365
Secret communication with the enemy is treasonable, L. V. *98*, 367

Secretary of state, Netherlands minister to, making final arrangements for newly invited states to adhere to H.C. 1899. I. (1907), 110; Russian ambassador to, gives list of reservations from programme proposed by powers (1907), 108; regarding adhesion of states not present at first conference (1906), 107; suggests programme (1906), 103; to Russian ambassador, acknowledging note of Russia offering to call second conference (1905), 99; objects to date proposed, because of conflict with Rio de Janeiro conference (1906), 101; to United States representatives expressing pleasure at general willingness to hold second conference with exception of Japan and Russia (1904), 97; to United States representatives to ascertain feeling of foreign powers regarding second conference (1904), 93

Sentinels, when they must not be fired upon, L. III. 69, 362

Servia, reservation to H.C. 1899. I. 91

Services, demanded of inhabitants of occupied territory must be by authority of commander, H.C. 1899. II. a. *52*, 68; H.C. 1907. IV. a. *52*, 228

Sex does not alter rule regarding spy, war rebel, or war traitor, L.V. *102*, 367.

Siam, reservation to H.C. 1907. VIII. 345; to H.C. 1907. XII. 347; to H.C. 1907. XIII. 348

Sick and wounded, belligerents may appeal to neutral merchant ships and yachts to take, H.C. 1907. X. *9* (n), 272; belligerents may demand that hospital ships, private yachts, etc., hand over, H.C. 1907. X. *12* (n), 273; belligerents shall send to each other marks of identification of dead and description of, H.C. 1907. X. *17* (n), 275; brought through neutral territory must be prevented by neutral from taking part in hostilities again, H.C. 1899. II. a. *59*, 71; H.C. 1907. V. *14*, 234; contracting powers will enact criminal legislation to prevent misuse of special marks and badges, and pillage of G.C. 1906. *28*, 408; H.C. 1907. X. *21* (n), 276; each belligerent shall keep the other advised of changes in dead, G.C. 1907. *4*, 404; each belligerent shall send to the other a list of, G.C. 1906. *4*, 404; Geneva Convention covers, D.B. XXXV. 387; H.C. 1899. II. a. *21*, 59; H.C. 1907. IV. a. *21*, 218; in hands of enemy are prisoners of war, G.C. 1906. *2*, 403; in neutral territory, G.C. 1864 applies to, O.M. II. *82*, 399; inhabitants shall have special immunities if they care for, G.C. 1906. *5*, 404; interned in neutral territory, Geneva convention applies to, D.B. LVI. 389; H.C. 1899. II. a. *60*, 71; H.C. 1907. V. *15*, 235; left in hands of enemy shall be accompanied by sanitary service, G.C. 1906. *1*, 403; may be carried across territory of neutral by its authorization, D.B. LV. 389; H.C. 1899. II. a. *59*, 70; H.C. 1907. V. *14*, 234; may be mutually restored after engagement, G.C. 1906. *2*, 404; may be returned to their country, G.C. 1906. *2*, 404; may be sent to neutral to be interned, G.C. 1906. *2*, 404; merchant vessel is protected by neutrality in removing, G.C. 1868. Ad. X. 379; not prisoners of war, may pass through neutral territory, evacuations of, O.M. II. *83*, 399; of armies in the field, convention for the amelioration of the condition of the, G.C. 1864, 376; G.C. 1868. Ad. 378; G.C. 1906. 402; of whatever nationality shall be cared for, G.C. 1864. VI. 377; O.M. II. *10*, 391; H.C. 1899. III. *8*, 76; G.C. 1906. *1*, 403; H.C. 1907. X. *11*, 273; on the field shall be protected by captor, after battle, G.C. 1906. *3*, 404; shipwrecked, belligerents after engagement see to examination of dead, take care of and prevent ill treatment of, H.C. 1907. X. *16* (n), 275; cared for by neutral shall be paid for by their home country, H.C. 1907. X. *15* (n), 274; landed at neutral port must be prevented from taking part in hostilities again, H.C. 1907. X. *15* (n), 274; neutral merchant ships and yachts committing no violation of neutrality, will not be captured for saving, H.C. 1899. III. *6*, 76; H.C. 1907. X. *9* (n), 272; of one belligerent are prisoners of war in hands of other, H.C. 1899. III. *9*, 77; H.C. 1907. X. *14*, 274; places are neutral where are gathered, O.M. II. *36*, 394; prisoners of war, disposal of, H.C. 1899. III. *9*, 77; H.C. 1907. X. *14*, 274; sailors of whatever nationality shall be protected by captors, G.C. 1868. Ad. XI. 380; special agreement may be entered into concerning, H.C. 1906. *2*, 404; taken on board neutral war ship must not take part in war again, H.C. 1907.

X. *13* (n), 274; while in power of enemy shall receive same pay as enemy's corps, personnel for treatment of, G.C. 1906. *13*, 406
Sick wards, are not protected if used for injuring the enemy, H.C. 1907. X. *8* (n), 271; may be used for other purposes if necessity requires it, and sick and wounded are cared for, H.C. 1907. X. *7* (n), 271; on board shall be protected in fight, H.C. 1907. X. *7* (n), 271
Signatures, table of H.C. 1899. 86; H.C. 1907. 336
Slaves, escaping from their country are free, L. II. *42*, 358; escaping from hostile country to U.S. can not be returned as slaves, L. II. *43*, 358
Soldiers are not individually responsible for warlike acts, L. III. *57*, 361; must wear distinguishing mark, L. III. *64*, 361; shall be returned to their country, incapacitated, G.C. 1864. VI. 377; O.M. II. *11*, 391
Special mediation. *See* Mediation and good offices
Special order, conclusion of martial law by, L. I. *2*, 350
Spies, aeronauts are not, O.M. II. *23*, 392; are not prisoners of war, O.M. *22*, 392; bearers of flags of truce obtaining military knowledge may be considered, L. VI. *114*, 369; couriers are not, O.M. II. *23*, 392; defined, L. V. *88*, 366; D.B. XIX. 385; O.M. II. *23*, 392; H.C. 1899. II. a. *29*, 61; H.C. 1907. IV. a. *29*, 221; exchange of, L. V. *103*, 367; must be convicted before a tribunal, O.M. II. *24*, 392; must be tried before punishment, H.C. 1899. II. a. *30*, 62; H.C. 1907. IV. a. *30*, 222; messengers are not, O.M. II. *23*, 392; D.B. XXII. 385; uniformed men seeking information are not, D.B. XXII. 385; messengers in balloons are not, D.B. XXII. 385; punishment of, L. V. *88*, 366; recaptured after successful espionage shall not suffer punishment, D.B. XXI. 385; O.M. II. *25*, 393; H.C. 1899. II. a. *31*, 62; H.C. 1907. IV. a. *31*, 222; scouts if disguised in enemy costume, shall be treated as, L. IV. *83*, 365; sex does not alter rule regarding, L. V. *102*, 367; shall be tried by laws of capturing army, D.B. XX. 385; treatment of successful, L. V. *104*, 367
States invited to second conference, 108
Status of enemy merchant ships at the outbreak of hostilities, convention relative to the, H.C. 1907. VI. 136, 240; not ratified (note), 246
Statute, military jurisdiction by, L. I. *13*, 352; executed in U.S. by courts-martial, L. I. *13*, 353
Stratagem is permissible, D.B. XIV. 384. *See* Ruses of war, Deception
Submarine cables, between neutral and occupied territory may be destroyed by occupant if restored and compensation made, H.C. 1907. IV. a. *54* (n), 228; contact mines, convention relative to the laying of automatic submarine, H.C. 1907. VIII. 136, 252; not ratified (note), 259; mines can not be laid unanchored unless harmless after one hour, H.C. 1907. VIII. *1*, 253; mines must observe same rules as belligerents, neutral powers laying, H.C. 1907. VIII. *4*, 254
Summary arbitration procedure. *See* Arbitration procedure, summary
Supplies and loans are not unneutral acts in all cases, H.C. 1907. V. *18*, 236
Support of army, martial law affects, L. I. *10*, 352
Surrendered enemy, it is forbidden to murder, D.B. XIII. (c), 384; shall not be killed or injured, O.M. II. *9* (b), 391; H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219
Sutlers, may be detained only so long as military necessity demands, O.M. II. *21*, 392; must show certificate, D.B. XXXIV. 386; H.C. 1899. II. a. *13*, 55; H.C. 1907. IV. a. *13*, 215
Switzerland, reservation to H.C. 1907. I. 340; to recommendation No. 1, H.C. 1907. 348
System, international arbitration. *See* Arbitration system, international

Taxes, martial law affects, L. I. *10*, 352
Telegraph or telephone cables, public or private, neutral need not forbid belligerent to use, H.C. 1907. V. *8*, 232
Telegraphs or telephones of private companies may be seized by occupant but must be restored with compensation at end of war, H.C. 1899. II. a. *53*, 68; H.C. 1907. IV. a. *53*, 228
Third conference, recommendation concerning meeting of, H.C. 1907. 139
Time of payment of claim, in arbitration of contract debts, award shall determine validity, amount, and, H.C. 1907. II. *2*, 195
Torpedoes must become harmless when they miss their mark, H.C. 1907. VIII. *1*, 253

Traitor, punishment of war, L. V. *91*, 366; treatment of successful war, L. V. *104*, 367; who is war, L. V. *90*, *92*, *95*, 366
Traitors, exchange of war, L. V. *103*, 367
Transportation, must be restored in original condition at end of war, means of, O.M. II. *51*, 395; occupant may take possession of, O.M. II. *51*, 395; H.C. 1899. II. a. *53*, 68; H.C. 1907. IV. a. *53*, 228
Treacherous deception, punishment for, L.V. *101*, 367; killing of enemy forbidden, D.B. XIII. (b), 384; H.C. 1899. II. a. *23*, 59; H.C. 1907. IV. a. *23*, 219
Treason, L. X. *157*, 376
Treasonable, secret communication with the enemy is, L. V. *98*, 367
Treaty of peace, armistice is not necessary during discussion of. If not established war continues, L. VIII. *147*, 373; martial law concluded by, L. I. *2*, 350
Truce, flag of, admission of bearer during engagement, L. VI. *112*, 369; bearer is inviolable, D.B. XLIII. 387; O.M. II. *26*, 393; H.C. 1899. II. a. *32*, 62; H.C. 1907. IV. a. *32*, *222*; bearer takes risk of seeking entrance during engagement, L. VI. *113*, 369; bugler is inviolable, D.B. XLIII. 387; H.C. 1899. II. a. *32*, 62; H.C. 1907. IV. a. *32*, *222*; drummer is inviolable, D.B. XLIII. 387; H.C. 1899. II. a. *32*, 62; H.C. 1907. IV. a. *32*, *222*; envoy may be detained if he abuses his mission, D.B. XLIV. 387; O.M. II. *30*, 393; H.C. 1899. II. a. *33*, 63; H.C. 1907. IV. a. *33*, *223*; firing does not cease upon appearance of, L. VI. *112*, 369; flag-bearer is inviolable, D.B. XLIII. 387; O.M. II. *27*, 393; H.C. 1899. II. a. *32*, 62; H.C. 1907. IV. a. *32*, *222*; guide is inviolable, O.M. II. *27*, 393; if bearer incites to treason he forfeits inviolability, D.B. XLV. 388; O.M. II. *30*, 393; H.C. 1899. II. a. *34*, 63; H.C. 1907. IV. a. *34*, *223*; interpreter is inviolable, O.M. II. *27*, 393; H.C. 1899. II. a. *32*, 62; H.C. 1907. IV. a. *32*, *222*; misuse is forbidden of, D.B. XIII. (f), 384; O.M. II. *8* (d), 390; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219; need not always be received, L. VI. *111*, 368; D.B. XLIV. 387; O.M. II. *28*, 393; H.C. 1899. II. a. *33*, 63; H.C. 1907. IV. a. *33*, *223*; need not be received for given period, D.B. XLIV. 388; recipient may take precautions to prevent abuse of mission, O.M. II. *29*, 393; H.C. 1899. II. a. *33*, 63; H.C. 1907. IV. a. *33*, *223*; trumpeter is inviolable, D.B. XLIII. 387; O.M. II. *27*, 393; H.C. 1899. II. a. *32*, 62; H.C. 1907. IV. a. *32*, *222*; who is bearer of, H.C. 1899. II. a. *32*, 62; H.C. 1907. IV. a. *32*, *222*
Turkey, reservation to H.C. 1899. I. 92; to H.C. 1907. I. 341; to H.C. 1907. IV. 344; to H.C. 1907. VII. 345; to H.C. 1907. VIII. 345; to H.C. 1907. X. 347; to H.C. 1907. XII. 347; to H.C. 1907. XIII. 348
Twenty-four hour rule, H.C. 1907. XIII. *12*, *13*, *14*, *16*, 322; does not apply to war ships devoted to religious, scientific, or philanthropic purposes, H.C. 1907. XIII. *14*, 323
Tyranny forbidden, O.M. I. *4*, 390

Uncommissioned, non-uniformed squads, engaged in intermittent warfare shall be treated as pirates and robbers, L. IV. *82*, 364
Unfriendly act, neutral power using rights secured to it by H.C. 1907. XIII. is not committing, H.C. 1907. XIII. *26*, 327; offer of mediation on the part of third powers is not an, H.C. 1899. I. *3*, 25; H.C. 1907. I. *3* (m), 157; reminding disputants of existence of arbitration court is not an, H.C. 1899. I. *27*, 34; H.C. 1907. I. *48*, 175
Uniform of enemy, it is forbidden to misuse, D.B. XIII. (f), 384; H.C. 1899. II. a. *23*, 60; H.C. 1907. IV. a. *23*, 219
United States, reservation to H.C. 1899. I. 90; to H.C. 1907. I. 340
Unneutral acts, services in neutral or civil administration are not, H.C. 1907. V. *18*, 236
Uruguay, reservation to H.C. 1907. II. 343; to H.C. 1907. XII. 347

Validity, amount and time of payment of claim, in arbitration of contract debts, award shall determine, H.C. 1907. II. *2*, 195
Vœu, concerning bombardment of towns by naval forces, H.C. 1899. 21; judicial arbitration court, H.C. 1907. 138; laws and customs of naval war, H.C. 1907. 139; limitation of war budgets, H.C. 1899. 20; military

charges, H.C. 1907. 139; naval guns and rifles, H.C. 1899. 20; pacific relations between inhabitants of belligerent and neutral states, H.C. 1907. 139; private property in naval war, H.C. 1899. 20; revision of Geneva convention, H.C. 1899. 20; rights and duties of neutrals, H.C. 1899. 20

Volunteer aid societies, belligerents will notify to each other names of, G.C. 1907. *10*, 405; continue operations after falling into power of enemy, personnel of, G.C. 1906. *12*, 405; under military regulations are protected, personnel of, G.C. 1906. *10*, 405; when no longer needed will be sent back to their army or country, personnel of, G.C. 1906. *12*, 405. *See* Aid societies

War, a means, not an end, L. I. *30*, 355; budgets, vœu concerning limitation of, H.C. 1899. 20; conditions of a state of, O.M. I. *1*, 389; convention respecting bombardment by naval forces in time of, H.C. 1907. IX. 136, 259; ratified (note), 266; is not interrupted by mediation, H.C. 1899. I. *7*, 25; H.C. 1907. I. *7*, 158; laws of, apply to militia and volunteer corps under certain conditions, H.C. 1899. II. a. *1*, 51; H.C. 1907. IV. a. *1*, 209; are liable as in criminal law, offenders against laws of, O.M. III. *84*, 399; armed force must follow laws of, O.M. I. *3*, 390; govern neutral mail ship except it can not be searched unless absolutely necessary and then with great expedition, laws of, H.C. 1907. XI. *2*, 283; merchant ship converted into war ship must observe laws of, H.C. 1907. VII. *5*, 248; rise of inhabitants against occupying army is a violation of laws of, L. III. *52*, 360; to whom they apply, laws of, D.B. IX. 383; mediation does not delay preparation for, H.C. 1899. I. *7*, 25; H.C. 1907. I. *7*, 158; must be notified to neutral powers, H.C. 1907. III. *2*, 199; must precede hostilities, declaration of, H.C. 1907. III. *1*, 199; object of, L. I. *29*, 355; L. III. *68*, 362; naval, convention concerning the rights and duties of neutral powers in, H.C. 1907. XIII. 136, 317; ratified (note), 331; naval, convention relative to certain restrictions with regard to the exercise of right of capture in, H.C. 1907. XI. 136, 281; ratified (note), 288; naval, convention for the adaptation of the principles of the Geneva Convention to, H.C. 1899. III. 18, 71; H.C. 1907. X. (r), 136, 267; ratified (note), 281; naval, vœu concerning laws and customs of, H.C. 1907. 139; on land, convention regarding the laws and customs of, H.C. 1899. II. *18*, 45; H.C. 1907. IV. (r), 135, 203; ratified (note), 229; on land, convention respecting the rights and duties of neutral powers and persons in case of, H.C. 1907. V. 135, 230; ratified (note), 240; on land, laws and customs of, H.C. 1907. IV. replaces H.C. 1899. II., H.C. 1907. IV. *4* (n), 206; on land, laws and usages of, L. II. *40*, 357; on land, laws of (Oxford Manual), 389; on land, payment of compensation required for violation of laws and customs of, H.C. 1907. IV. *3* (n), 206; on land, regulations respecting the laws and customs of, H.C. 1899. II. a. 51; H.C. 1907. IV. a. 209; on land, signatory powers shall issue instructions to armies in accordance with laws and customs of, H.C. 1899. II. *1*, 48; H.C. 1907. IV. *1*, 205; project of an international declaration concerning the laws and customs of, adopted by the conference of Brussels, 382; rebels—*see* Rebels; ship, cf. Merchant ships; ships, can only take food in neutral ports to bring them up to peace standing, belligerent, H.C. 1907. XIII. *19*, 324; ships can not use neutral harbor for increasing armament, crews, or war material, H.C. 1907. XIII. *18*, 324; ships, convention relative to the conversion of merchant ships into, H.C. 1907. VII. 136, 246; not ratified (note), 251; ships from repairing more than necessary for seaworthiness, neutral powers must prevent belligerent, H.C. 1907. XIII. *17*, 324; ships in harbor of neutral at one time, belligerent can not have more than three, H.C. 1907. XIII. *15*, 323; ships may stay in neutral port longer than 24 hours on account of damage or stress of weather, belligerent, H.C. 1907. XIII. *14*, 322; ships may take coal in neutral harbor under certain conditions, belligerent, H.C. 1907. XIII. *19*, 324; ships not leaving neutral port as they should, may be interned, belligerent, H.C. 1907. XIII. *24*, 326; ships not protected by H.C. 1907. VI, enemy merchant ships intended for conversion into,

H.C. 1907. VI. *5*, 243; ships of both belligerents in same neutral harbor must depart at intervals of 24 hours, H.C. 1907. XIII. *16*, 323; ships of one belligerent can not follow merchant ship of other from neutral harbor until 24 hours have elapsed, H.C. 1907. XIII. *16*, 323; ships should be notified to all powers signatory to the convention, acts enacted by countries concerning status of belligerent, H.C. 1907. XIII. *27*, 328; ships taking coal in neutral harbor can not take more in port of same neutral for three months, belligerent, H.C. 1907. XIII. *20*, 325; ships to leave within 24 hours, neutral must notify belligerent, H.C. 1907. XIII. *13*, 322; ships to stay in harbors more than 24 hours, neutral powers must not allow belligerent, H.C. 1907. XIII. *12*, 322

War traitors, exchange of, L. V. *103*, 367; punishment of, L. V. *91*, 366; sex does not alter rule regarding, L. V. *102*, 367; treatment of successful, L. V. *104*, 367; who are, L. V. *90*, *92*, *95*, 366; what is civil, L. X. *150*, 374; what is public, L. I. *20*, 354

Wounded and shipwrecked, neutralized boats are those picking up, G.C. 1868. Ad. VI. 379; picked up by neutralized vessels must not serve during war again, G.C. 1868. Ad. VI. 379; may be returned on condition of not bearing arms during war, G.C. 1864. VI. 377; O.M. II. *11*, 391; neutrality guaranteed to inhabitants aiding in caring for, G.C. 1864. V. 377; O.M. II. *17*, 392; of the enemy may be returned to enemy outposts, G.C. 1864. VI. 377; O.M. II. *11*, 391; prisoners of war, belligerents shall inform each other of changes in dead and, H.C. 1907. X. *17* (n), 275; requisitions and contributions, quartering of troops, must be apportioned with regard to zeal of inhabitants in aiding, G.C. 1868. Ad. IV. 378; O.M. II. *59*, 396; return to native country of, G.C. 1864. VI. 377; G.C. 1868. Ad. V. 379

Yachts, must be handed over if belligerent demands it, wounded and sick on board, H.C. 1907. X. *12* (n), 273; or vessels taking wounded or sick can not be captured therefor, neutral merchantmen, unless violation of neutrality has occurred, H.C. 1899. III. *6*, 76; H.C. 1907. X. *9* (n). 272; to take sick and wounded, belligerents may appeal to neutral merchant ships and, H.C. 1907. X. *9* (n), 272

Yellow flags used to protect hospitals during engagement, L. VI. *115*, 369